

Submarines, World Court, or What?

The Nation

Vol. CXVIII, No. 3071

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Wednesday, May 14, 1924

Changes in Sex Relations

by Elsie Clews Parsons

Injunctions Don't Make Dresses

by John Nicholas Beffel

South Tyrol—Austria's Lost Province

by Robert Dell

Highbrow Ku Kluxism

by Norman Thomas

Remaking the Supreme Court

II. The Courts of Other Countries

by Charles Grove Haines

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Contents

EDITORIAL PARAGRAPHS.....	545
EDITORIALS:	
Submarines, World Court, or What?.....	548
Phillip Snowden's Triumph.....	549
Fooling the Farmers.....	549
What Is a Park?.....	550
NEW MORALS FOR OLD:	
Changes in Sex Relations. By Elsie Clews Parsons.....	551
SHALL WE REMAKE THE SUPREME COURT?	
II. The Practice of Other Countries. By Charles Grove Haines.....	553
SOUTH TYROL—AUSTRIA'S LOST PROVINCE. By Robert Dell.....	556
INJUNCTIONS DON'T MAKE DRESSES. By John Nicholas Bessel.....	558
NATIONAL PUBLIC OPINION. By William Hard.....	560
IN THE DRIFTWAY. By the Drifter.....	561
CORRESPONDENCE.....	561
THE SON. By Robert Wolfe.....	562
BOOKS:	
Pieces of Eight. By Everts B. Greene.....	562
Twilight of the Vikings. By J. W. Krutch.....	563
The American Game. By Phillips Bradley.....	564
In St. Stephen's Chapel. By Charles M. Andrews.....	564
Highbrow Ku Kluxism. By Norman Thomas.....	564
Lloyd Osbourne's Portrait of R. L. S. By George S. Hellman.....	565
Tales. By Johan J. Smertenko.....	565
Books in Brief.....	566
EYE AND EAR IN OPERA. By Pitts Sanborn.....	566
INTERNATIONAL RELATIONS SECTION:	
Reaction in Poland. By L. T.....	568
Credit Where Credit Is Due.....	570
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GERMANY'S VOTERS showed an unexpected political maturity, disappointing M. Poincaré. French nationalists had been predicting an overwhelming sweep to the Right in Germany, and expected it to provoke a similar trend in France. The German voters, however, seemed to understand the significance of their action. Even the Nationalist Party, which gained most ground in the election, did not dare, at the end, to come out flat-footedly against acceptance of the Dawes report. The fire-eating party of revenge headed by General Ludendorff will enter the new Reichstag only thirty strong. The fact that Ludendorff, Admiral Tirpitz, Prince Otto Bismarck, Count Westarp, and Count Reventlow, a variously assorted group of reactionaries, will sit in the new Reichstag, is unimportant; they cannot dominate it. The Socialists lost less than was expected, although their strength in the Reichstag dropped from 173 to 99; the Communists, rising from 18 to 61, took up part of the loss, and the rest went to the parties of the Right. The three Center parties lost some forty votes between them, but a republican majority remains. Enabling legislation for most of the Dawes measures can be passed, but the constitutional amendment required to transfer the railroads to private ownership is not sure of the necessary two-thirds majority. A Socialist-Center coalition is still possible; or a Nationalist-Center combination may replace it, in which case, back in their natural role of Opposition, the labor groups may regain their lost prestige.

BLAIR COAN has suddenly become a figure of national importance. With him a gentleman named George B. Lockwood leaps into the limelight. Lockwood is secretary of the Republican National Committee, and Coan is the man whom Lockwood hired, early in the days of the Washington investigations, to "get something on" Senators Wheeler and Walsh. Lockwood sent Coan to Denver for affidavits and then on to Montana for an indictment, "fixing him up," apparently, with the proper introductions. Coan got the indictment of Senator Wheeler, but if the Republican National Committee thinks that the American people will long permit that sort of blackmailing it is about as mistaken as politicians can be. Senator Wheeler will not be frightened off by an indictment, and the revelation of this indecent attempt to stop his investigation will only increase the public interest in it. Similarly, when Harry Daugherty resorts to court action to keep the Senate Committee from reading the telegrams he sent while in office, ordinary folks become suspicious—both of Harry Daugherty and of the courts. Honest men are not so afraid of the light. The new Attorney General has named an assistant to help Senator Wheeler force Harry Daugherty's brother Mel to reveal his secrets; if President Coolidge is looking about for a method of regaining popular esteem he might do worse than to volunteer some advice to Harry Daugherty and the Republican National Committee.

ABOUT THIS TIME a year ago a committee headed by Elbert H. Gary, president of the board of directors of the United States Steel Corporation, reported against abolishing the twelve-hour day in the industry, as it would necessitate raising prices by 15 per cent and would call for 60,000 additional employees whom it would be difficult or impossible to obtain. President Harding asked for a reconsideration of the question, and public sentiment expressed itself so unmistakably that experiments with the eight-hour day were begun last summer. Today the shorter day is in effect virtually throughout the plants of the United States Steel Corporation and almost as generally in independent establishments. There has been no increase in prices and no lack of labor. The workers have sustained some losses, because although their hourly rate of pay has been generally increased, it has not been raised to a point which makes the total earnings what they were before. In spite of this, the *Iron Age* recently made a survey from which it concluded that the change was giving "general satisfaction" among the workers and had increased efficiency at many plants. Now comes a report from the Steel Corporation showing that the first quarter of 1924 produced the largest net earnings of any similar period in time of peace in the company's history. In addition to the regular dividends, fifty cents extra was declared on the common stock. As a general rule what is right proves to be possible.

MUSCLE SHOALS! Henry Ford's desire to buy for a song, and control upon his own terms, the amazing possibilities of the water-power there has had at least one good effect: it has turned public thinking from the hazy glorification of superpower in general into consideration

of one important instance and the need of acting wisely in regard to it. *The Nation* is emphatically opposed to turning over Muscle Shoals to Mr. Ford on his terms, partly because those terms offer inadequate recompense and protection to the public, but still more because of a conviction that the country, while there is still time, ought to take steps to own and administer this vast new source of energy latent in water instead of permitting the growth of another anti-social and inefficient private monopoly such as now rules our coal fields. We commend to our readers and to Congress, therefore, the bill of Representative Keller of Minnesota, which provides for a Federal Public Service Commission of three members with full power to take over Muscle Shoals and other water-power, making fertilizer and furnishing electricity to the public at cost. The new body would supplant the existing Federal Power Commission. A bond issue of \$500,000,000 would be authorized to be used as needed by the new commission.

THERE is something pathetic as well as nationally humiliating in the sight of the Governor of one of our great States sentenced to ten years in prison and a fine of \$10,000. Warren T. McCray was never a notable figure in public life, but he had made money in business in Indiana, and in the present organization of our politics cash is necessary to run campaigns and keep parties alive. In return for it, Democrats and Republicans alike have long been accustomed to barter government places, the most distinguished and honorable going to the largest givers without any nice regard for their moral or intellectual qualifications. Why be surprised, therefore, if now and then we get a governor who is convicted on thirteen counts of using the mails to defraud; who, in the words of the judge who sentenced him, had violated hundreds of times the statutes he had sworn to uphold? Inevitably we shall have governors sent to jail from time to time—and deserving of it even oftener—until we put men in government offices because of what we think they can do for the public instead of what they have done for the political machines.

MUSSOLINI'S THUGGERY knows no diminution or decency. On the eve of the Italian elections, which the dictator was doubtless determined to win at any price, Giovanni Giglio, the Rome correspondent of the British Labor Party's *Daily Herald* and a contributor to *The Nation*, was expelled from the country without warning. Routed out of bed one morning, he was taken to police headquarters, where a government decree was read to him requiring that he leave Italy in twenty-four hours. As he tells the story:

This decree was passed at a cabinet meeting, upon the motion of Signor Mussolini. The reason given was public security. I asked the commissary if I could be granted twenty-four hours more to make the necessary arrangements, but he replied that I was to leave by the first train. I was forbidden to go home, and I was forced to wait at the police station until I could be escorted to the train. I was not allowed to get in touch with the British Embassy. I was only allowed to see my wife and ten-year-old son in the presence of the commissary. Before I left the commissary in my presence told the carabinieri that I was to be handcuffed if I tried at any point in the journey to speak English or communicate with anybody. . . . At the frontier station I was received with the greatest insolence by the Fascist in authority there, who told me "never to enter

Italian territory again." "The atmosphere of Italy is not good for people like you," the bully went on. "The Fascist stick rules here with absolute power."

MR. COOLIDGE IS APPLYING to Cuba the same policy in regard to arms as was inaugurated in connection with the revolution in Mexico. He is authorizing the sale of munitions to the Zayas Government, but putting an embargo on similar exports to the revolutionists. In spite of its pacific tendency, we are disturbed at this action, especially as it evinces the arrival of a fixed policy in Latin-American affairs. There is much to be said in favor of the exclusive manufacture and control of munitions of war by the governments of the world, and perhaps of restrictions on their sale to other countries. The monger of munitions is certainly a breeder of war, but if the trade is to be controlled, it ought to be done by a policy debated and enacted by Congress—not by a President's fiat. Since the war our Department of State has prevented loans to Latin America without its approval, and it has now adopted the same policy in regard to munitions. In other words, it defines what are "good" and what are "bad" governments, and makes or breaks them accordingly.

OF COURSE THE EXERCISE of a power like this sets us up as dictators of the Western Hemisphere and enables us to mold governments and policies in the interest of our imperialism and our capitalism. From diplomatic meddling we have passed to military interference in Santo Domingo, Haiti, Nicaragua, and finally Honduras. American sailors are still in Tegucigalpa, the capital of the latter republic, having been sent in last winter to "protect" our "interests." In spite of a reported agreement upon a provisional president by the revolutionary factions, conditions in Honduras are still chaotic, and are likely to offer a long-continuing excuse for the presence of our troops and our bossism. In fact, troops will probably be kept there until we have clamped a loan upon Honduras, and afterward to assure its payment.

NOT SINCE THEIR COMMON FIGHT for independence more than a century ago have the Latin-American republics felt, as they do now, that sentiment of solidarity upon which their life was founded. Their two representative heroes, Bolivar and San Martin, demonstrated that the independence of each of those republics was conditioned on the independence of its neighbors. To have restricted their efforts to the liberation of their native states would have been considered as narrow as if Washington had fought for the liberation merely of his native Virginia. The continental sentiment that has slumbered for a century amid hatred and fratricidal strife is again awakening. It is as if some obscure instinct was warning of a future in which there would be no independence unless there was solidarity. The five countries comprising the former Great Colombia—Venezuela, Colombia, Ecuador, Peru, and Bolivia—will celebrate in June the centennial of the battle of Ayacucho, victory in which was for the natives the closing chapter of their long fight with Spain. President Leguia of Peru has been sounding the other republics as to the possibilities of renewing Bolivar's negotiations at the Congress of Panama for the unification of the five states into one confederation. Treaties covering boundary disputes, commercial concessions, and navigation facilities may open the way to broader agreements.

"TO KNOW MEXICO is almost a moral obligation," writes Frank Tannenbaum in the special Mexican number of the *Survey Graphic*, which helps make the task easy. Of the many distinctive contributions by this magazine none exceeds this issue in richness and variety. Here speak Plutarco Elias Calles, probably Mexico's next President; José Vasconcelos, whose achievements as Secretary of Education in the Obregon Cabinet *The Nation* recently described; Manuel Gamio, Mexico's leading archaeologist and ethnologist; Ramón de Negri, the Secretary of Agriculture, under whose direction Mexico's tangled agrarian problems are moving toward a solution; Diego Rivera, Mexico's foremost painter and one of the great artists of our time; Dr. Atl, expert on Mexican arts and crafts; Felipe Carrillo, the martyred governor of Yucatan; Elena Landazuri, who has been called "the Jane Addams of Mexico;" and American missionaries and travelers add their word. The synthesis of these widely varied interpretations is that our neighbor, Mexico, is entering a new epoch; that a social, cultural, and spiritual renaissance has begun south of the Rio Grande which is of profound significance to the two American continents.

THE LEAGUE OF WOMEN VOTERS, because it is a huge national organization engaged in practical politics, is wary about the issues it selects for attention and support. It can work for better babies; but it cannot work for fewer babies or even for more wisely spaced and distributed babies. It can stand for law enforcement and, in a fairly general way, for peace. It can be enormously useful in certain progressive fields. But no one need hope that it will be able to support a revolutionary feminist program or fight for a measure that might give offense to any large number of respectable middle-class women. All of which explains why the recent convention of the League at Buffalo refused to include birth control among the planks of its 1924 platform. Meanwhile a small group of women backed by an enormous, unorganized, inarticulate demand is fighting for the passage of the Vaile-Cummins bill at Washington, to lift the ban on birth-control information. It is a slow, desperate fight, chiefly because the great organizations of women do not dare to help, although a victory would mean infinitely more to their millions of members than to the valiant little band which is carrying on the fight.

IT IS DOUBTLESS EASIER to attack the Eighteenth Amendment before a Missouri Society dinner than anywhere in the State of Missouri itself, but we are ready, none the less, to credit Nicholas Murray Butler with courage and conviction in his recent vigorous attack on prohibition. The enforcement of the Volstead Act is a scandal, both where it succeeds and where it fails, and few public men have been found with enough gumption to say so. President Butler of Columbia University is one of the few. Another is Governor Pinchot of Pennsylvania. Their similarity, however, stops almost at the point where it begins: President Butler would solve the problem by throwing the law out of the window; Governor Pinchot would throw out the official non-enforcers of the law. President Butler, it may be assumed, would keep the responsible authorities pretty nearly intact; Governor Pinchot would keep the law. Supporters of the Governor might say to the philosopher and university president: What sort of logic is this, any-

way; what sort of morals? If you tell your child not to eat candy and he goes right on eating it, are you going to solve the problem of law enforcement by telling him to go ahead and eat as much as he wants? And the supporters of the university president would answer: Are you going to tell your child not to eat candy and then pretend you have done the trick when you know that he is eating it on the sly and that other people are waxing fat off his deceit and dyspepsia? There is more to be said in the matter, but it is good, in any case, to have it discussed openly, with a refreshing lack of political hedging. We would be willing to go some distance with either or both in the general direction of lawful behavior and political honesty.

JANE ADDAMS, like Galileo, believes that the world does move. She has a right to believe it, for she has helped valiantly to make it move. In opening the Washington conference of the Women's International League for Peace and Freedom, of which she is really the founder as well as the international chairman, she reported impressively upon attempts, here and there in the midst of chaos and disorder, to live according to the principles of a new international order:

Austria has freely renounced a piece of Hungarian territory assigned her by the peace treaty; we recall the success in Holland of opposition to the proposed naval expansions; the decision of the British Government to abandon the construction of a naval base at Singapore; Gandhi has shown that a national movement for self-determination may be successfully conducted by moral energy ignoring brute force; the Conference on Naval Disarmament in Washington with its practical results; the withdrawal of the Japanese from the Chinese province of Shantung; the rising peace movement throughout the churches and theological schools; the "No More War" movement, rapidly increasing in so many countries; the peace resolutions of the International Education Conference held in San Francisco in 1923; the new note of decision in the peace committees connected with all women's organizations; the announcement of President Coolidge ten days ago that he contemplates calling a world conference for further limitation of armaments and the initiation of plans for the codification of international law.

FOUND AT LAST! The Baltimore *Evening Sun*, as our readers will recall, recently offered a prize for the solution of the perplexing problem, What is the difference between a Democrat and a Republican? Mrs. Esther Hollander won the prize. "A Republican," she explained, "is a person who thinks a Democratic administration is bad for business; a Democrat is a person who thinks a Republican administration is bad for business; both are right." It was to be assumed that the witty editors of the "Sunpaper" would award the prize to some such answer; the amazing fact is the unanimity of their readers. Some thousands are reported to have replied; of these 77 per cent discovered no difference whatever between the two great standard-bearers of the nation; 14 per cent painstakingly delved into history to prove that at least there had once been a distinction; and only 9 per cent boldly proclaimed belief in the existence of distinguishing-marks today. When Senator La Follette gets around to announcing his candidacy, he might take a hint from the spirited Marylanders and avoid the ancient hoodoo of third parties. Why not just call his new group the Second Party, and be done with the hoary myth of Democratic-Republican discord?

Submarines, World Court, or What?

IT is the same old, old story, whether you dwell in Washington, Tokio, London, or Timbuctoo. Whenever anyone talks disarmament there is always someone else to discover that the nation's navy, or army, is deficient in cruisers, or submarines, or javelins, or something. Poor old Admiral Coontz, commander-in-chief of the United States fleet, is deep in gloom because—as he sees it—the Panama maneuvers proved that the fleet was too slow and was short of aircraft carriers, submarine and destroyer tenders, modern submarines, and almost everything else. Admiral Coontz is shivering in his sea-boots for fear the British and the Japanese will outclass us. Worst of all, he finds, is our deficiency in submarines.

Japanese newspapers take time to reach the United States, but fortunately the British papers come more rapidly and can be read even by admirals. We suggest to Admiral Coontz that he put on his spectacles and read the accounts of a debate in the House of Commons on March 18. There he will find a speech after his own heart. Mr. Amery, sometime Tory First Lord of the Admiralty, told the House how unhappy he felt about the modest naval program of the Labor Party. The government estimates were £2,200,000 below those of the previous year, and still further below those which Mr. Amery would have regarded it as his duty to present had he still been in office. He would have spent five million pounds more for new cruisers; he would never have dreamed of abandoning the Singapore naval base, and he would have provided for more submarines. England had only 20 cruisers equipped for commerce destruction, he said, although the United States had 29 and Japan 28; she imperatively needed 18 new cruisers in the next two years. And England's submarine position was appalling. By 1929 she would have only 29 effective submarines, while the United States would have 122, Japan 73, and France 63. The poor man shivered as he thought of England's danger. Admiral Coontz would have sympathized with his every shudder.

Professional navy men, like professional army men, are always discovering danger, pointing to inadequacies, demanding more and ever more millions. It is a healthy antidote to these scares to read the newspapers of other countries and discover that their army and navy men are mongering the same scares. *The Nation* does not pretend to know whether Admiral Coontz is right in saying that America is short of submarines, or Mr. Amery in declaring that we are far ahead of England and Japan; but *The Nation* does know that in such matters it is never safe to heed "expert" advice. Ramsay MacDonald's reply to Mr. Amery was a masterpiece of calm common sense:

There must first be an allaying of international suspicions and anxieties such as exist today, and the construction of the naval base at Singapore would hamper the establishment of confidence and lay England's good faith open to suspicion. . . . This country has a short time in which it can rest secure that no war will overtake it within a certain limited number of years. We can use that time in developing military defenses, and thereby encourage others to do the same. Or we can keep our military forces as a nucleus only, and pursue other methods of security, such as agreements, good-will, and disarmament. The Government proposes to adopt the latter course. (Cheers.)

That, in our judgment, was sound statesmanship, and we hope that the American Congress will pay no more heed to the pitiful pictures painted by Admiral Coontz and his friends than Ramsay MacDonald paid to the unhappy Mr. Amery.

The real problem, of course, is how to move toward "agreements, good-will, and disarmament." A band of high-hearted crusaders have been preaching the World Court to the calloused ears of Senator Lodge and his associates on the Senate Committee on Foreign Relations. We wish that we could join more wholeheartedly in their crusade. It seems to us that the peace-seeking forces which have concentrated their drive upon this issue have lost perspective.

We should like to see the United States participate in any effort to extend the scope of international arbitration. The fact that the Court is related to the League does not appal us; we know no better way at present available of selecting an international body of judges than through the Council and Assembly of the League. It is ridiculous to propose, as Mr. Lodge is reported to do, that the same individuals who compose the Council and Assembly should meet under another name to elect the judges. Once elected, the judges are utterly and absolutely independent—the politics of the League does not touch them, and their record of action, if slight, is to their credit. It is not their fault that important issues have not been submitted to them; that is the fault of the nations of the world. And it is precisely there that the insignificance of this issue of joining the Court appears. Until the peace advocates of this country are ready to couple their demand for adherence with a demand that the Court be given compulsory jurisdiction over all international disputes they are asking so little that their effort is almost wasted. There is a vast work of popular education to be done, and it should be done honestly. Americans berate the nations of Europe for their bellicosity, yet the very people who complain most loudly of the Europeans enact Japanese exclusion laws, cry for more destroyers and more submarines, and applaud American occupation of Haiti, Santo Domingo, Nicaragua, and Honduras. Until this country is ready to submit its own acts to international discussion the world-court issue seems a little vague and platonic.

We have not dangerous frontiers, like France and Germany. Our capital is not within easy airplane flight of a possible enemy's air bases. It is harder for admirals and captains to scare us by beating upon their tom-toms. We should be the natural leaders of the world movement for compulsory arbitration, for disarmament, for the outlawry of war. There is so much popular sentiment behind the cry for disarmament that even President Coolidge felt it wise to suggest another disarmament conference if Europe accepts the Dawes plan. The Dawes plan is, in principle at least, accepted. There is a lull in Europe's alarms—the defeat of the alarmists in Germany's elections shows the existence of a moment of appeasement. The time is ripe—will not the people who have so earnestly argued the somewhat academic issue of the World Court demand, now that an immediate opportunity is at hand, that our Government seize it?

Philip Snowden's Triumph

PHILIP SNOWDEN scored, according to all the dispatches, a triumphant success in presenting in the House of Commons on April 29 the first Labor budget. Newspapers of all shades of opinion admit, on both sides of the ocean, that no British chancellor ever showed greater mastery of his subject or presented it in a clearer or more interesting manner. This despised pacifist, this man who opposed his country's policy all the time that it was at war, this radical socialist without either the banking or business training usually expected of a chancellor of the exchequer, this visionary idealist who actually believes that an end can be made to the kind of acquisitive society which has made such a mess of the world, showed that he could take the cards from conservatives and beat them at their own game. For one hour and three-quarters this crippled man leaned upon his crutches to make his appeal, all but collapsing at its end. He was assisted to his seat amid the cheers of all parties and it is in keeping with the finest English parliamentary traditions that some of the first words of congratulation came from the lips of Austen Chamberlain, a former chancellor, now in opposition. That is the British sporting spirit. You differ from a man, you may even call him traitor for a time, but when he does a magnificent job you congratulate him out loud on his personal achievement before you undertake to show wherein you think he erred in his facts or his proposals. We fancy that those cheers must have paid Philip Snowden for many a slight and insult, if so brave and noble a spirit needed reward for having been true to his conscience and the right.

But there is more to this budget than a personal triumph for Snowden. It is a long step back toward the historic policy of free trade from which England departed under the pressure of the war and of her debt burden, aggravated by the mistaken economics of Lloyd George and other compromisers. With one blow the Chancellor went far toward "freeing the breakfast table." The coffee, cocoa, and chicory duties are to be heavily cut; that on tea, the greatest of English beverages, is cut in half and a reduction of three halfpence a pound is made on sugar—something to make every Britisher sit up and take notice. Every one of the war duties imposed by Reginald McKenna goes by the board on August 1. Thus the protection camel, which had got its head and neck well into the British tent and would have got half its body in had Stanley Baldwin won the last election, is ejected down to his nose. Even the high tariffs on foreign motor cars are to go; Englishmen may be allowed to buy cheaper automobiles than their fellow-countrymen can produce. That, some will say, is an outrage; anybody who would help his fellow-citizens to obtain cheaper methods of transportation must be first cousin to a Bolshevik!

There is no denying the fact that the Labor Government will have hard sledding on that issue. Already they are being charged with wishing to add to the unemployment that they went into office to reduce. Indubitably the workmen in this and other industries will protest. But that is to be expected if you cleave to free-trade principles and deal with an industry that has been created by artificial support and kept alive by artificial heat. The onus is not on the legislator who prefers the welfare of multitudes to that of groups but upon those who made the original error. We

shall doubtless hear, too, that the budget is more one of expediency than of principle and there will probably be extremists in England to declare that there is no socialism in this budget, that it is a mere compromise, a sop to all classes to prolong the life of the Government and to win Liberal support. We are not much worried by that charge. It is sound reform policy, whether you call yourself Liberal, Labor, or Tory, to set your financial house in order and undo the glaring errors of your opponents. From any point of view that must commend itself as good business. There can certainly be no such far-reaching change as taking over the English coal mines unless the possibility of adequately financing them is present.

When one reads that in addition to all the other taxes to be cut the Socialist Chancellor proposes to do away with that upon excess profits which some of our politicians are eager to reimpose in this country, we can understand that the British business man must feel after reading this budget like a child who finds his Christmas stocking filled when he had expected nothing. As for the householder, he ought to be Snowden's friend for life because of the abolition of the hoary old inhabited-house tax, which has persisted for a century and a half, perhaps because nobody thought to do away with it. Truly Mr. Snowden has a right to claim that his budget is scientific, that it is reasonable and just, that it is aimed at no classes, and that it means a sturdy return to the only honest and sound fiscal policy for any country—free trade. We venture to prophesy that it will have an immediate and stimulating effect upon England's general economic situation, that it will speed her recovery from her present depression, and that it will be recognized for years to come as a great piece of statesmanship, wisely conceived, and executed with superb ability and superlative courage.

Fooling the Farmers

THE greatest American industry is the making and selling of gold bricks. Beside it the steel industry is a child and the cotton trade a babe in the crib. The gold-brick industry is a national one whose product enters every home in good times or in bad, but its sales campaigns are concentrated especially upon farmers and its boom periods are campaign years.

Heaven knows our farmers are this year, as perhaps never before, ready to grasp at anything which glitters. They were wholly deflated after the war, while the rest of industry had only part of the air let out of it, or none at all. Farmers are selling their produce, especially great staples like wheat and live stock, at about pre-war prices, while the levels of other commodities are more than 50 per cent higher. As we noted recently in these columns, more than 8½ per cent of the owner-farmers in fifteen corn- and wheat-growing States lost their farms between January, 1920, and March, 1923, while others to the proportion of 15 per cent were insolvent but held their land through the grace of their creditors. Farmers' banks have become the great landlords in the grain belt, the foreclosure of mortgages having made them the unwilling possessors of acres of land which they cannot rent or sell. A report made to Congress last March notes that in 1920, before agricultural depression set in, eight State banks failed.

By July 1, 1921, 100 State and 21 national banks had closed their doors. By July 1, 1922, the total was increased

by 85 State- and 9 national-bank failures, and 111 State and 16 national banks were added to the list in the next twelve months. Between July 1, 1923, and February, 1924, 367 State banks and 66 national banks have failed. There were more bank failures in the past seven months than in any preceding five-year period.

Assuredly the farmers need help. Early in the present session of Congress the Norris-Sinclair bill was introduced for their relief. It provided for a federal commission to build, buy, or lease grain elevators and storage warehouses, and to purchase and sell farm produce at home or abroad. In other words, it proposed a government market system to reduce the present unreasonable middlemen's profits between producer and consumer to the benefit of both the latter. This measure stood a good chance of passage until another, the McNary-Haugen bill, was shoved in front of it. The McNary-Haugen bill has the approval of Secretary Wallace of the Department of Agriculture, but President Coolidge is believed to be against it. The Federation of Farm Bureaus and the National Grange have indorsed it, but the more democratic and near-to-the-soil Farmers' National Council is in opposition. The McNary-Haugen bill will probably fail and is doubtless intended to do so by many of its sponsors. Its only effect will be to sidetrack and defeat the Norris-Sinclair bill, and thus preserve the profits of the agricultural middlemen. The McNary-Haugen bill is a gold brick intended to attract the farmers and give the impression that the politicians are doing something for them in a campaign year. The measure will be touted in the agricultural sections, but at last will probably be quietly dropped. There will be no McNary-Haugen law, no Norris-Sinclair law, no law at all for the farmer's relief. His gold brick will turn out to be worthless stone.

Should the McNary-Haugen bill by some chance become law, it would be harder than stone on the community at large. The bill provides that artificial prices be set on certain staples so as to make them bear the same relation to other prices as the average of farm prices from 1905 to 1914, inclusive, bore to general prices during that period. A commission is authorized to buy and sell farm produce to the extent necessary to maintain these prices at home, while the President is instructed to clap on tariff rates to a point that would prevent the entrance of foreign products in competition. The commission would dump all surplus agricultural produce abroad for whatever prices it would bring. In short, the McNary-Haugen bill proposes to subsidize the farmer at the expense of the consumer—to support an expensive hothouse industry out of the pockets of the general public. Even so, the farmer is just as much entitled to this kind of coddling as are the manufacturers protected by our existing tariff, and it is hypocritical and absurd for newspapers and politicians who support the Republican protective system to object to its extension to agriculture. But *The Nation* does not believe in subsidizing either manufacturers or farmers. The McNary-Haugen bill proposes to reinflate the farmer, whereas the actual need is to deflate all industry.

The farmer ought to have a government-directed market system such as the Norris-Sinclair bill proposes, and he ought to have the benefit both in buying and selling that free trade would bring. Give him a fair field by these means, and he will be able to live without artificial respiration. Diversified farming and cooperative organization are already giving some farm regions new life; what the farmers want is not more pap but less middlemen.

What Is a Park?

WHAT is a park? New York City is having one of its periodic brain-storms in regard to the proper use of its matchless Central Park—still a bit of unsubdued nature in the midst of man-ridden Manhattan Island. The Mayor and his friends are for introducing a "civic center," a "war memorial," and the like; others are for keeping them out. Similar controversies are going on in other cities. Perhaps it would help to begin by defining a park.

A child once defined salt as something that makes food taste bad when you leave it out. Similarly one might define a park as something that a city isn't. It should be the antithesis of and the antidote for the city. Geographically it should be as close to, and in character as far from, the city as possible. The best park is that which gives one most quickly and completely the illusion of having left the city miles away. Granting this, one can put his finger at once on some things which as far as possible should be kept out of a park: noise, hurry, buildings, business, and amusements such as the city itself offers. On the positive side one wants quiet, repose, trees, grass, water, sunshine, air. Too much artifice is the ruin of many parks: too many formal "drives," too many statues, too many "lawns" with warnings to keep off the grass. The Parisians, with their fine sense for such things, are especially successful with their small parks. There are not many walks and often not much grass. Instead there are great trees, with fine sand spread over the ground; one may wander at will or sit where he pleases.

Generally speaking, New York's Central Park has been well preserved and handled. The smaller parks have not all been as fortunate. The great mistake in Central Park was to admit the automobile, with its spirit of hurry and unrest, its danger to pedestrians and its vitiation of the air along the roadways. Some day when we are better civilized, when the automobile has ceased to have the right of way over everything else, this particular evil will be banished from Central Park. Band concerts may be legitimate, for they do begin and end, they cannot be heard in the home, and are really musical; but could anything be more deadly than the proposal to introduce radio entertainment by means of loud speakers into New York's small parks? The city about them contains plenty of such entertainment and far too much loud speaking.

Loud speaking! Yes, the city roars at us on every hand, and in every way. It is relief from its merciless overtones that we most want in our parks. As Matthew Arnold put it in his *Lines Written in Kensington Gardens* (that rare survival of nature in the midst of London brick):

Calm Soul of all things! make it mine
To feel, amid the city's jar,
That there abides a peace of thine,
Man did not make, and cannot mar.

Children, lovers, and the aged—it is these that use most and most appreciate our parks. None of them belongs precisely to the city. Each one is living in his way a life apart from that of the throngs about him—the throngs preoccupied with making and spending money, mesmerized with the loud speaking (human and mechanical) of the age. Children, lovers, and the aged—all of us should belong, at least in spirit, to one of these classes. If we make and keep our parks for them we shall not go far wrong.

New Morals for Old Changes in Sex Relations

By ELSIE CLEWS PARSONS

THE other day I listened to a conversation on marriage and divorce between a well-known feminist, her daughter, and an Episcopal clergyman. The celibate cleric and the younger woman were in fair accord: the institution of marriage was invaluable to society and had to be protected. Let there be no divorce, said the cleric, on any ground, at least within the church; children should be cared for by both parents, divorce being sought only as an ultimate recourse, said the girl, who was two years married and had a son.

The feminist was bidding her time. Finally she said: "So much for the institution. What of the actual sex life? No divorce and continence or no divorce and intimacy with another?"

"The first, of course," said the cleric.

"Not at all; the second," said the girl. "And you, mother?"

"Oh, on the whole I'm for the brittle marriage as against the lax, the American way against the European. But most of all I am for tolerance in sex relations and for respecting privacy. Why not all kinds of relations for all kinds of persons? Just as there are now, but with respect or tolerance for the individual and without hypocrisy."

"Even if we did not agree," the cleric said later to the feminist, "we could talk about it as twenty years ago we could not. So much to the good."

"So much to the bad," said the girl's father, still later; "better for all of us the old reserve." The speaker was a lawyer with divorce cases in his practice.

Had we not here a mingling of currents from law, the church, feminism, and the younger generation which illustrates what divergency of attitude on sex and sex institutions or practices may exist today, even within the same cultural and local circle? Include circles of different education and locality and although the range of difference would be no larger the expressions of opinion would vary. Is the variation in opinion due to variation in experience or is it due to that contemporaneous lifting of the taboo on discussion which characterizes not only our talk about sex but about other interests as well? A remarkable and indisputable change of attitude, this release from verbal taboo, which often gives us a sense of change in general greater perhaps than the facts themselves warrant.

In the conversation I quoted the women were on the whole the radicals, the men on the whole the conservatives. This alignment was far from typical, I think, and yet in contemporaneous life, whether or not in opinion, women have been the exponents of cultural change in sex relations. The increase in the divorce rate, it seems probable, has been effected predominantly by women; about two-thirds of the total number of divorces are granted to women. (Of course the tradition that it is decent for the man to let the woman

get the divorce must not be ignored in this connection.) This increase in divorce may indicate a changing attitude toward the criteria of marriage on the part of women. Women may be demanding more of marriage than in the day when they had little to expect but marriage. In other words, marriage standards mount as marriage has other relations to compete with. At any rate in the talk of women it seems to me that desire for integral satisfactions in marriage is more consciously or realistically expressed than ever before. Emotional and sexual appeasements are considered as well as social or economic advantage. What of

the part played by women in changes in sex relations outside marriage?

Unfortunately, we have no dependable statistics of prostitution, but whatever decrease there has been in prostitution, and opinion is that with the passing of segregated districts there has been a decrease, may be, on the whole, put down to women, if only indirectly through an increase in illicit relations. Illicit relations are not subject to statistics, but that there has been an increase in them in this country in this century will be generally accepted, likewise that in this, too, the increase is due to women, alike more willing to participate in such relations and more tolerant of them in others. Again those curious suits for alienation of affection appear to be brought against women as much as against men; and theories of seduction by men have long since been sounding archaic to our ears. Even on the screen, the great present vehicle of traditional manners and morals, although rape is always in order, seduction is infrequent. Seduction with its complement of marital honor has been rendered an anachronism, through women.

The theory of seduction is affiliated with the proprietary theory of woman and, needless to say, this general theory has been undergoing considerable change for several decades. Today women are not only not property, they are property holders, and property holding has become a significant factor in the social independence of women. Of this social independence, independence in mating is the most recent expression, more recent even than political independence, and less fully realized or accomplished. Indeed it would be rash to predict how this type of independence may be expected to come about; apart from the gesture, sometimes gay, sometimes merely comic, of keeping one's name in marriage, there is no conscious feminist movement, in this country at least, toward freedom in sex. The political emancipation of women came to us as a reflex from abroad, largely through England. Whatever the political effect of militancy in England, without the advertisement of the British suffragette American women would be voteless today. Quite likely the direction of emancipation in mating may be determined likewise from abroad, perhaps

This article is the second in The Nation's series on New Morals for Old. The first, Styles in Ethics, by Bertrand Russell, was printed in the issue of April 30. The next article will be Floyd Dell's discussion of Friendship Between the Sexes. The series will continue through the summer.

from innovating Scandinavia or from Soviet Russia, where the last legal word has been said on sex equality.

In the soviet laws on marriage and domestic relations there is no mention of suit for breach of promise or for alimony whereby woman proclaims herself a chattel, and according to the soviet code husband as well as wife is entitled to support if incapacitated for work. Incapacity for work is the sole condition which entitles either spouse to support. In other words, the Russian state has interested itself not in maintaining the proprietary theory of woman; but in providing for the care of man or woman in distress. Of such clear distinction American law is innocent. In American law the husband is still the provider and in this law lags but little behind current opinion, which holds that a married woman should work only when she has to. Dr. Herskowitz tells me that this American attitude is so well represented in the Negro population of Harlem that in gathering statistics of employment as soon as he learns the occupation of the husband he can predict whether or not the wife is at work. Low-paid employment for the husband means wage-earning by the wife, and highly paid employment means that the woman is not a wage-earner. Surveys in other parts of the country have shown the same condition. These surveys have been made among wage-earners, and concerned primarily with the margin of subsistence; but familiar enough is the record in other economic classes of the persuasion that marriage exempts a woman from industry or professional activity. The standing controversies about married women as school-teachers are fully documented instances. The Harvard prize play acted last year on Broadway hinged on the rigidity of the alternative of a man marrying and sacrificing his career or pursuing his career and sacrificing his love. There was not the faintest suggestion that the woman might contribute to the family income and so render marriage and career economically compatible. The young couple, to be sure, belonged to smart Suburbia, economically a conservative circle; but there was no indication in the play that the university intelligentsia did not hold to the theory of wifely parasitism, nor that audiences might question the theory. And I incline to think that few in those Broadway audiences, although drawn as they were from fairly composite circles, did question. Wifely parasitism is holding its own.

In less invidious terms, where income permits, the wife continues to be the consumer, the husband the producer. Conjugal partnership in production, familiar in Europe, remains by and large unfamiliar in this country. Outside of marriage, on the other hand, the last years have seen considerable lessening in our American forms of segregating the sexes. Not only has there been an increase of women in gainful occupations together with an increase of occupations open to women, but between men and women in business and in the professions relations are increasingly less restricted, influenced less by sex taboo. There is more co-operation, more good-will, more companionship.

Possibly this companionship between the sexes at large will have a reflex upon marriage, and marriage will become a more comprehensive partnership. The question of the married woman in gainful occupations is related, however, to a larger economic issue. Our capitalistic and competitive economy not only suffers parasites and drones, it compels them by reason of its inelasticity in providing for part-time labor. The whole workday or no work at all is the notice given to women who would be part-day homekeepers, either

in their child-bearing years or because of other family exigency, as well as to men who are aging or invalid. For this economic waste and loss to personal happiness and welfare there seems to be no promise of relief in prospect. Just the opposite, in fact, for women, since, given the increasing mechanization of housekeeping and the ramifying organization of hospital, nursery, and school, women at home may have a larger and larger part of the day on their hands and their functions become less and less significant. In this connection birth control has been for some time an important factor. As knowledge of contraception becomes surer and more widespread and births more spaced, even during her child-bearing period the home-staying woman will have less and less call on her vitality and energy.

Discussion of contraception has been active in the last decade or so; but curiously enough its significance aside from contributing to directly saner ways of life* has been little realized. Birth control makes possible such clear-cut distinctions between mating and parenthood that it might be expected to produce radical changes in theories of sex attitude or relationship, forcing the discard of many an argument for personal suppression for the good of children or the honor of the family, and forcing redefinition of concepts of honor and sincerity between the sexes. In such redefinition reciprocity in passion, emotional integrity, and mutual enhancement of life might share in the approval once confined to constancy, fidelity, and duty, virtues that are obviously suggested by the hit or miss system of mating and reproducing our social organization has favored. With little or no self-knowledge or knowledge of men, a girl often marries in order to find out how much she cares or whether or not she qualifies, and then when her experience has begun she finds herself an expectant mother, and maternity begins to supersede other interests. She may become a parent without the assurance of being well-mated, if not, more tragically, with the certainty of being mismatched. Advocates of the monogamous family would do well to consider how essential to an enduring union, at least in our society, experience in love may be, together with restraint from child-bearing before experience is achieved.

That neither such considerations nor other changes in the theory of sex morality have yet come to the fore in current discussion is perhaps because the technique of contraception is still in the experimental stage, perhaps because in popular consciousness the morality of contraception in itself is not fully established. How is it going to be established? I doubt if through rationalism or rationalistic propaganda. Social changes, we begin to know, are rarely due to deliberation, in any society. In our society they are due mainly to economic causes. Housing congestion in New York will in time affect birth-control legislation in Albany; and fear of an overpopulated world will drive church as well as state into a new attitude toward multiplying to the glory of God.

As in birth control so in other matters of sex intimacy the growth of cities and the complexity of our economy may be the more potent factors of change. In very large communities there is an ignorance of the personal relations of others, an inevitable ignoring which contributes unconsciously to tolerance toward experiment and variation in sex relations. Indifference to the private life of others is

* Dr. Ogburn informs me that his recent and still unpublished analysis of the census of 1920 shows that in localities where birth control is presumably practiced the marriage rate mounts. He states also that in the country at large there has been a higher marriage rate in the last census decade and that the age at marriage is earlier.

almost an exigency of our economic organization. Attention is directed to the efficiency of the personality encountered and away from the individual means taken to induce that efficiency. What difference does it make to an employer how clerk or stenographer lives after hours provided he or she is competent, alert, and responsive to the business need? In office or in factory one may be but a cog in the machine and yet left larger personal freedom than in a more independent job in a small place or than in a household. Out of such urban influences—negatively, of indifference, and positively, of attention to personality *per se*—come opportunities for personal freedom that will set men and

women to ordering their sex life to please themselves rather than to please society. That is, ordinary men and women; certain outstanding figures will have to continue to forego freedom. The President of the United States, presidents of banks or colleges, cinematograph stars, "society ladies," now and again a clergyman or a prize-fighter—all these will continue to be observed closely in their private life, and, like the gods and goddesses of other cultures or times, will have to conform to popular preconceptions of marriage or celibacy, chastity or libertinism. For them, as for other personages in folk-lore, individual adjustment or variation would be out of the picture.

Shall We Remake the Supreme Court? II. The Practice of Other Countries

By CHARLES GROVE HAINES

(The Nation began last week this series on the United States Supreme Court with an article on *The Origin of Its Power*, by Charles Warren. The series will be concluded next week with *A Program for Reform*, by Beulah Amidon Ratliff, and by an editorial article expressing the views of The Nation.)

IT is difficult to compare the American practice of judicial review with similar features of other governments, for comparisons prove misleading in dealing with the rather unusual powers of courts to declare legislative enactments void. Differences in the evolution of government and of legal traditions render this practice markedly different when adopted under circumstances varying greatly from the conditions prevailing in America.

Among the features that modify provisions for judicial review of legislation, the first is the fact that under continental European systems of government, or those whose legal foundations have largely been based upon the influence and traditions of the Roman law, governmental authority emanates from and is guided largely by the executive and not by the legislature as in Anglo-American countries. Certain conditions naturally result from this fact, namely, the establishment of separate courts or councils to deal with controversies between individuals and public officers; the courts as a rule are not permitted or in practice do not follow strictly earlier precedents or decisions; the natural deference to the executive officers and a traditional non-contentious habit of mind resulting therefrom lead to the acceptance of the authority of administrative officers rather than to a frequent contesting of their authority; and, finally, provision is made for a "state of siege" to be declared by the executive at his discretion, or sometimes subject to the consent of a committee of Congress, when individual rights and guaranties may be completely subordinated to the executive power. Under the "state of siege" the civil authority is taken over by the army, military tribunals try offenses against public peace and order, homes can be searched, arms can be taken from the citizen, and public meetings can be prevented. The frequency of the establishment of this condition, particularly in Latin-American countries, militates strongly against well-defined checks upon executive or administrative powers. Martial law in Anglo-American countries, which is the only thing com-

parable to the "state of siege," is seldom resorted to and is commonly held in strict subjection to the civil authorities unless public necessity requires military action.

Again, judicial review of legislation can have relatively slight influence in countries where constitutions are frequently revised and are readily amendable. There has been a progressive tendency to make the amendment of constitutions easy and to revise them completely at frequent intervals. Such a condition leaves little room for judicial review of legislation to develop.

Finally, where countries adopt written constitutions, and either do not insert extensive bills of individual rights or guaranties or do not include general phrases such as due process of law or the equal protection of the laws, by which legislation is to be tested, judicial review again has little opportunity for growth. There is no basis for the courts to construe implied limitations on legislative and executive powers. Making due allowance for these differences the governments of the world may, with respect to judicial review of legislation, be roughly grouped into the following classes:

1. Governments in which the legislature interprets finally the fundamental law. Examples: England, with an unwritten constitution; Chile, France, Italy, and Switzerland, with written constitutions.
2. Governments in which the authority to interpret finally provisions of the constitution, and as a consequence to invalidate acts in conflict therewith, is implied as a necessary requirement to maintain the equilibrium between federal and state governments. Examples: United States, Australia, Canada, Brazil, and Argentina.
3. Governments in which the constitution grants authority to the courts to interpret the constitution and to prevent violations of its provisions. Examples: Colombia, Czecho-Slovakia, Honduras, Irish Free State, Portugal.
4. Governments in which the power is considered as belonging to the courts to review the acts of coordinate departments but in which the power has been exercised so infrequently as to have little significance. Examples: Greece, Norway, and South Africa prior to 1910.

In group one the English system of guaranteeing individual rights is unique. After the great charters of liberty such as Magna Charta, the Bill of Rights, and the Petition

of Rights were issued in England and served to check the royal powers and prerogatives, a revolution occurred by which parliament became supreme and the king subordinate. After this change Coke's theory, proposed in the great conflict with James I, that reason and the common law as interpreted by the courts must be looked upon as superior to both the king and parliament, was discarded and by a gradual process parliamentary supremacy was established. Practically, then, since the beginning of the eighteenth century, the executive and legislative departments in England, under the designation King, Lords, and Commons, combine to legislate and to administer the laws. The judiciary and all other public authorities are bound to obey the mandates of parliament as the highest power of the state. In the words of an eminent jurist: "The corrective of the action of parliament as a human and fallible institution is not a legal corrective, lies not with the judiciary, but lies with parliament itself, acted upon by a fresh wave of public opinion, a higher sense of duty, a wider range of experience, or a broader perspective in the range of applied justice."

Parliamentary supremacy in England is modified to a considerable extent by what is known as the "rule of law." All officers are held strictly within the law as laid down by parliament, and the courts of England exercise an extensive review of the acts of public functionaries to see that they keep within the powers granted by law. Under this rule English courts recently held that not even the King in Council by executive order could take the property of a citizen during war time for military purposes without awarding just compensation for losses incurred. This practice of the courts, however, stops short whenever parliament expresses a clear and unequivocal mandate. For example, the courts of England decided that labor unions were corporations in the sense that they might be sued before the English courts. After an active campaign before the people and in parliament, an act was passed in effect reversing this decision; the courts thereafter were bound to follow and accept the act of parliament. But England has no written constitution, and it is generally believed that parliamentary supremacy is a natural result where no definite fundamental law has been formulated.

Chile, having modeled her government in certain respects after the English system, specially provides in the constitution that congress shall settle all questions as to the interpretation of the constitution.

A different plan of securing individual guaranties was developed in France, where a form of government and of legal principles was adopted, based, in large part, upon Roman principles and practices. Though a declaration of rights was framed in 1789, including most of the individual guaranties of the English charters, the method of securing these individual rights was placed on an altogether different basis. The same theory of separation of powers which was thought in America to require judicial review of legislative acts to preserve written constitutions and to protect individual rights was interpreted in France to forbid the judges from interfering in the exercise of legislative power and of preventing them from suspending the execution of laws. Owing to the resistance of the courts to executive orders and decrees prior to 1789, it was made an offense for a judge to interfere in the affairs of public administration. The result of these provisions and their interpretation is that France and certain other governments which are based to a large extent upon the French system of law expressly

prohibit the courts from refusing to execute laws duly made and promulgated. Though there are today many Frenchmen who favor some form of judicial review of legislative acts, in practice, the parliament of France is regarded as supreme. Most Frenchmen who favor the adoption of the principle of judicial review of legislation emphatically declare that they do not wish to adopt the American theory of the separation of powers, the American doctrine of affording protection to vested rights, the broad rule of reason as a requirement for legislative acts under the due-process clause, and other implied limitations which American judges have interpreted as restrictions upon the exercise of legislative powers.

This does not mean that private rights are without protection in France. The courts, as in England, enforcing the rules of law, exercise an extensive review of the actions of public officers in that they possess the authority of holding executive ordinances illegal and of annulling administrative acts either for an excess or misuse of power.

France, unlike England, has a written constitution. This constitution, which provides for only a part of the actual framework of government and includes nothing as to the protection of the rights and liberties of the individual, has seldom been amended since its enactment in 1875. France looks upon her constitution as a rigid document, whereas the Constitution of the United States is thought to be quite flexible. France is one of the chief examples of a government with a written constitution and legislative supremacy; that is, where the protection and guaranties of the constitution rest with the legislature itself, guided and tempered by public opinion as the source of legislative power and authority.

Austria, Germany, Italy, and Poland have followed France in denying to the courts the power to examine into the validity of laws. To this list could be added many other countries with written constitutions, such as Japan, Spain, and Sweden, in which it is taken for granted that the normal functions of courts do not include the power of examining into the validity of legislative acts. So common is this impression that unless such power is expressly granted to the courts, or is regarded as necessary to adjust federal relations, it is assumed that the functions of the courts are confined to the interpretation and application of the laws, and this does not include an examination of their validity.

A modification of the English and French systems was adopted in Switzerland, where since the Middle Ages some form of federal government has prevailed. In Switzerland the legislature has been regarded as supreme, and has in its power the final interpretation of the constitution. But in order to render a federal system effective and to adjust the relations between the nation and the cantons, the courts were given the authority to review the acts of the cantonal legislatures. The guaranty, then, of individual rights in Switzerland, as in France, rests with the legislative bodies as influenced and guided by the public sentiment of the nation. The legislature of Switzerland is the final interpreter of the constitution, subject only to a referendum by which such a decision may be changed. It is worthy of note that Switzerland with a federal form of government and a written constitution deliberately rejected the main feature of the American plan of judicial review after a careful study and report on the plan by a group of experts. Switzerland, having in large part adopted the French administrative system, provides for the protection of private rights

and individual guaranties on a basis similar to that of France.

The federal systems of Canada and Australia, among the governments in group two, carry the principle of judicial review of legislation one step farther than is done in Switzerland. The courts of these countries are regarded as having the right to review all legislative acts both of the state and of the central government in order to maintain the balance of powers as defined in the constitution. There is also in both of these countries judicial review of the acts of the provinces or of the states to see that these subordinate bodies do not overstep their jurisdiction; but judicial review of legislation in such countries as Canada and Australia has a narrow and limited application, for their constitutions contain few, if any, provisions guaranteeing individual rights and no general phrases such as due process of law, equal protection of the laws, or other language from which extensive implied limitations may be interpreted.

Citizens of Canada also take pride in the fact that their courts do not meddle with matters of economic or social policy, as did the Supreme Court of the United States in the *Lochner* or New York Bake-shop case, the Child Labor case, or the Minimum Wage case. Having no special provisions in the constitution for the protection of acquired or vested rights, corporations or citizens cannot appeal to the Canadian courts for the protection of such rights unless a branch of the government attempts to assert authority entirely beyond the scope of its jurisdiction. Rate-making, the control of public-service corporations, and most other economic or social affairs are regulated by Canadian legislatures or commissions established by these bodies, which act subject only to review by the legislative bodies themselves or an ultimate appeal to the electorate.

Certain South American countries such as Brazil and Argentina not only provide for the review by the courts of acts of the states which may be in conflict with national powers but also have accepted the American practice of declaring void the acts of coordinate branches of the government. The Brazilian courts, following the general purpose to adopt the American system as defined by Chief Justice Marshall, do not hesitate to declare void acts of the national congress. Eight acts have been held invalid since 1915. Though similar authority is exercised by the courts of Argentina, the power is used less frequently and, as compared with either Brazil or the United States, such decisions are exceptional. Similarly the provincial or state courts of Argentina have shown great reluctance in declaring acts invalid. This reluctance is thought to be due to the fact that the citizen, following Spanish traditions, prefers to abide by the law rather than to test its constitutionality. Another reason is thought to inhere in the greater authority accorded to and confidence in executive agencies which is characteristic of most Latin-American countries. The rather common practice in Brazil and Argentina of instituting by executive order the "state of siege," previously referred to, interfere with the development of traditions favorable to the establishment of effective individual guaranties. Moreover, the fact that the courts in South American countries follow the French practice of according comparatively little weight to precedents renders the basis for judicial review insecure and vacillating.

A somewhat limited form of judicial review of legislation has been devised in the writ of *amparo* used in the neighboring republic of Mexico. The original purpose of

the writ of *amparo* was designed so that the federal courts should aid every citizen in the preservation of the rights conceded by the constitution. In practice the application of the writ has been narrowed to the twenty-nine enumerated guaranties in the constitution, and laws will not be declared void unless one of these guaranties has been violated. The authority may not be used to pass on conflicts of jurisdiction, and suit can be brought only in an original action before the Supreme Court. Barring the difficulties which have militated against orderly judicial procedure in the determination of private rights in Mexico, it is obvious that legislative acts can seldom be held void under such a limited judicial review.

Among the governments in group three, in which the constitution grants authority to interpret the constitution and to declare acts in conflict therewith void, the courts in Colombia and Haiti seem to exercise the power so rarely as to have little effect on the course of public affairs. In other countries, such as Costa Rica, Cuba, Honduras, Nicaragua, and Venezuela, where Spanish-American traditions prevail, the exercise of such powers by courts cannot have results in any way comparable with judicial review in the United States. Czecho-Slovakia and Ireland have adopted the plan too recently to determine what form of judicial review may be adopted.

In comparing judicial review of legislation in the United States with this practice in other countries it should be noted that it is customary in almost all countries for the courts to exercise a limited control over the acts of corporations and subordinate units such as municipalities and similar public organizations. This control is usually referred to as declaring acts *ultra vires*, meaning that the acts of these subordinate corporations or public governmental bodies are void if they attempt to exercise powers beyond those which are expressly or by necessary implication granted to them. Furthermore, it is not uncommon for the courts to require that the acts of these subordinate bodies must be reasonable and to hold certain acts invalid if regarded as unfair or unreasonable.

Misunderstandings have resulted also from the failure to distinguish between review of legislation and judicial review of ordinances and of the acts of administrative and executive officers, which is common practice throughout the world. An extensive review of this character is exercised by the English courts under what is known as the "rule of law," to which reference has previously been made, and by review in France and other countries with similar political systems of all acts of executive and administrative officers.

Another basis for misunderstanding has arisen over the failure to distinguish between review over a central government from that over subordinate divisions such as states and provinces in federal systems of government. Where a federal government is established some agency must delimit the powers between the central and local governments. It has been quite common to place this delimitation of powers upon the courts, and in a number of federal systems the judiciary tests the validity of laws of the states or provinces to discover whether they are in accord with the fundamental written law. This is the practice in Switzerland, where the courts exercise such powers but are denied the greater authority of passing on the acts of coordinate bodies. Judicial review of subordinate divisions is established in Australia, in Canada, and in the new German constitution, and comprises the most important part of

judicial review in these countries. A similar review has been established in the federal systems of Brazil and Argentina. This type of judicial review needs to be distinguished very carefully from the attempt of the courts to pass on the acts of coordinate legislative bodies. It is in the latter field where the courts exercise their most important function in the review of legislation in the United States.

In the government of the United States the courts exercise, first, an extensive surveillance over the acts of subordinate units of government, such as cities and counties, both to keep local authorities within their jurisdictions and to test their acts as to fairness and reasonableness; second, all acts, orders, or rules of administrative and executive officers are subject to review by courts to see that they keep within the law and that their powers are not abused to the detriment of the lives, liberties, and property of individual citizens; third, another phase of judicial review in the United States inheres in the control exercised by the courts over acts of the States which are regarded as in conflict with the federal Constitution, treaties, laws, and regulations (this authority is exercised frequently both by State and federal courts); fourth, by far the most important part of judicial review in this country is the practice of courts, federal and State, of declaring void the acts of coordinate departments, such as the Supreme Court in invalidating acts of Congress, and the State supreme courts in invalidating acts of the State legislatures.

Of even greater significance than the adoption of all

four of the above phases of judicial review in the United States is the fact that much the larger part of the power now exercised by the courts in reviewing legislation has resulted from the application to executive and legislative acts of judge-made concepts and restrictions. A considerable part of these restrictions has grown up in connection with the doctrines of vested rights and of implied limitations on legislative powers conceived as inherent in the American concept of free government. Free government as understood elsewhere in the world, seldom requires the application of such judicial checks. But in the United States public sentiment in the main has approved the process of developing limits to legislative powers both by express provisions of written constitutions and by judge-made implied limitations.

It is in the exercise of this extraordinary power, not generally recognized as belonging to the functions of courts and not expressly provided in American written constitutions, that more than fifty acts of Congress have been nullified and from 1,500 to 2,000 acts of the States. It is the combination in this country of all four of these phases of judicial review, and of numerous additional express and implied restrictions on legislative and executive acts, which has given currency to the term "judicial supremacy," or as French commentators put it "government by judges," and that warrants the assertion that the United States is the prime example today in which a theoretically democratic political order is tempered and confined by a series of checks administered by an "aristocracy of the robe."

South Tyrol—Austria's Lost Province

By ROBERT DELL

(This is the first of a series of three articles on the situation in the South Tyrol. The next article will be on the Results of Fascist Rule.)

Bozen, March 20

OF the many violations by the Allied and Associated Powers of the conditions on which the armistice was concluded perhaps the annexation to Italy of German South Tyrol was the worst. It was not even supported by one of those shadowy historic or prehistoric claims by which some other annexations were excused. The Tyrol is and always has been German—it is indeed one of the oldest centers of German civilization—and there is no sort of racial or cultural difference between the Tyrolese living on the north of the Brenner and those living on the south. There is scarcely a Tyrolese living on one side of the Brenner Pass who has no family connections on the other. One brother of a family may live in Innsbruck, another in Bozen. It is true that the pre-war Austrian province—"die gefürstete Grafschaft von Tirol"—which stretched from the Bavarian to the old Italian frontier—from Kufstein in the north to Riva in the south—was not inhabited solely by Tyrolese. The Austrian census of 1910 showed that there were then in the Austrian territory south of the Brenner 363,413 Italians, 229,483 German Tyrolese, and 19,605 "Ladiner" speaking a dialect of Italian, also spoken in certain parts of Switzerland. These three nationalities were not, however, intermingled as different nationalities are in certain other parts of Europe, but were separated

into sharply defined geographical areas. The northern part of the old Austrian province—South Tyrol proper—contained in 1910 215,933 Germans and only 6,704 Italians as well as the 19,605 "Ladiner" who all lived in the valleys of the Dolomites, where there were only 581 Germans. The southern part—the Trentine—had 356,709 Italian inhabitants and only 13,550 German. In accordance with the principles professed by the Allied and Associated Powers and accepted by both sides as the conditions of the armistice, only the Trentine should have been annexed to Italy or at most the Trentine and the region inhabited by "Ladiner." The majority of the latter, however, expressed the desire not to be annexed to Italy in an appeal addressed to the German Tyrolese in October, 1918, in which as "the oldest native population of the Tyrol" they claimed the right of self-determination. "We are," they said, "no Italians, we have at all times refused to be Italians, and we will not be Italians in the future."

To do the Italian Government justice it has never contested these facts or made any hypocritical pretense of reconciling the annexation of German South Tyrol with the Fourteen Points. It claimed and obtained the Brenner frontier solely on the ground that a "strategic frontier" was necessary to the safety of Italy, although in fact such a frontier would have been adequately secured by the annexation of the Trentine alone. A small piece on the extreme east of German South Tyrol was left to Austria and the rest of the southern Tyrolese were handed over to Italy like cattle in defiance alike of their sentiments and their eco-

economic interests. It would have been no greater injustice to give the whole Tyrol to Italy, and that course would have inflicted less injury on the Tyrolese, for at least their unity would have been preserved.

The division of the Tyrol is, if possible, a greater crime against its inhabitants than its total annexation would have been, for it is the dismemberment of a living entity—of as perfect and as natural a political and economic unity as is to be found anywhere in the world. It has entailed both moral and material suffering. Families have been divided, some of their members becoming Italian citizens while the others remained Austrian. What must be unprecedented conditions have been produced by the provisions relating to the acquisition of Italian citizenship. Persons born and domiciled in the annexed territory became Italian citizens by right, unless they preferred to leave the territory, as many have. Persons domiciled in the territory but not born there could apply for Italian citizenship, but the application could be refused. On the other hand, all persons under eighteen born of parents domiciled in the territory were obliged to become Italian citizens. The consequence is that in some cases the father has been refused Italian citizenship and his children have been forced to become Italians. A typical case is that of a doctor born in Innsbruck who has practiced in Brixen for thirty years. He was refused Italian citizenship and was recently expelled from South Tyrol, so that he is obliged to begin life over again, while his two sons have become Italian citizens *ipso facto* and are actually doing their period of military service in the Italian army.

In some cases people have been granted Italian citizenship and subsequently deprived of it and expelled on the ground that they had proved themselves unworthy of the honor—which means of course that they had joined in political action distasteful to the Italian authorities. The worst cases of all are those of certain old Austrian officials who were given Italian citizenship and kept in their places after the annexation and have now been turned into the street. Being Italian citizens they have no longer any claim on the Austrian Government, and some of them are starving. Expulsions have taken place at forty-eight hours' notice. One such case—also a typical one—is that of a Tyrolese born in North Tyrol who had lived in Bozen for years and who had to sell his house and all the belongings that he could not take with him at a heavy loss. In other cases applications for Italian citizenship are left for an indefinite period without a reply. Meanwhile the applicant is kept under observation and is liable to be expelled if he does anything of which the Italian authorities disapprove. Austrian citizens owning property in the annexed territory but not possessing the necessary qualifications for acquiring Italian citizenship as a right have had their property confiscated under Article 249 (a) of the Treaty of St. Germain. Commercial men with places of business on both sides of the Brenner have now a frontier and a tariff wall between their two business houses and cannot go from one to the other without an Italian visa, which means, if they live in North Tyrol, that they must not offend the Italian authorities.

The natural economic consequences of the annexation are serious for South Tyrol, whose chief industries are wine and fruit-growing and tourists. South Tyrol produces on an average about 400,000 hectoliters (nearly 9,000,000 gallons) of wine a year and the production of fruit is very

large. Of the wine about one-fourth is grown on the hill-sides and is of the best quality; that grown in the valleys is inferior. As the most southern part of Austria South Tyrol had an advantageous position and the chief markets for its wine and fruit were Austria and Germany, although the best qualities of wine and the choicest early fruits were also sent to Switzerland and elsewhere. As the most northern part of Italy, which has all the wine and fruit that it needs and more, South Tyrol is in a very disadvantageous position. There is no market for its produce in Italy and the Austrian market is now cut off by a tariff wall. The import duties on wine both in Germany and Austria are so high that the South Tyrolese producer can sell in these countries only at a price that does not give him a profit. The export trade of the cheaper wines is thus seriously diminished and prices are so low that it no longer pays to grow them and the vineyards in the valleys are beginning to go out of cultivation. This is also to some extent the case with fruit. The Trentine is suffering in this way as well as German South Tyrol. An Italian peasant in the Trentine said to a friend of mine recently that the bad of the Austrian times was better than the good of the Italian. As for the port of Trieste, it is ruined by the competition of Venice. Once prosperous and flourishing, because it was the only important Austrian port, it is now as an Italian port superfluous and decadent.

Since the economic factor is the most important in human affairs, even the Irredentists of the Trentine may begin to regret their victory if they find that it has changed their economic conditions for the worse. At least the rulers of Italy should do their best to compensate the inhabitants of the annexed territory for the inevitable economic disadvantages of the annexation and to diminish those disadvantages as far as possible, but they seem rather to be aggravating them by vexatious regulations and interference. For example, pressure is unofficially used to compel North Tyrolese firms with branches in South Tyrol to dismiss the latter their North Tyrolese employees, whom they may find it difficult to replace. In the case of licensed trades—hotels, inns, and bathing establishments—interference has gone much further. By a decree of the prefect of the province of Trent "not more than 5 per cent of the entire personnel (director, cashiers, waiters, servants, porters, boots, interpreters, cooks, guides, etc.) may be foreigners," and failure to comply with the decree will be punished by the loss of the license. Although this law came into force at the beginning of last November I understand that it is not yet strictly applied. Should it be enforced, it will inflict serious injury on one of the most important industries of South Tyrol. Visitors from every country flock to Bozen, Gries, Meran, Cortina d'Ampezzo, and the many other tourist resorts in South Tyrol, and it is essential that the hotel employees should be able to speak foreign languages. It is equally essential that they should be well trained and competent. If the South Tyrolese hotels are compelled to dismiss a large proportion of their staffs, they cannot fill their places at a moment's notice with Tyrolese peasants. Moreover, some of the hotels are open only during a particular season and their employees go elsewhere for the rest of the year. On the Italian Riviera about 40 per cent of the hotel employees are foreigners, yet no such regulation as that imposed on South Tyrol has been made for the rest of Italy. If it were made, the Italian hotel-keepers would soon protest, for the regulation is impracticable.

Injunctions Don't Make Dresses

By JOHN NICHOLAS BEFFEL

DAILY for eight weeks the picket-lines have formed in the clothing district of downtown Chicago; have been broken repeatedly by injunctions, policemen, and thugs; and have formed again. Slowly, back and forth in a short space, in all kinds of weather, the pickets march. Twelve hundred strikers are still out; 90 per cent are girls and women. They are a determined lot; it takes high courage to go on the line when you know that you may be beaten or have your wrists twisted by burly men in uniform or out of it, and then be thrown into a small cell without medical attention.

Only fragments of the real story get to the great newspaper-reading public. The arrests of pickets, the oratory of the State's attorney are detailed, but the regular daily papers never portray the actual causes behind the conflict. They tell that so many pickets were fined or sentenced to jail for violating Judge Denis E. Sullivan's injunction against picketing, but they never explain why hundreds of strikers persist in defying that injunction day after day.

Back of the happenings in the dressmakers' strike are long-existent grievances—they complain of hours too long at tedious work which wearies eye and body; dissatisfaction with wages which, earned during seven or eight months in a seasonal trade, must be spread across a whole year; unsanitary conditions in many garment shops; and the thing known as the "American plan."

At first 2,500 quit their jobs, but about 1,300 have returned to work under union conditions in eighty-one shops which have agreed to the workers' demands. These are mostly small shops. There are two other groups, which are battling aggressively against the union. One comprises five big employing corporations which had a gentlemen's agreement with the union in 1919-1921, then broke off relations, and which have operated open shops ever since. This group uses what the unionists term a "yellow dog" contract, which provides that the employee must never even discuss unionism with anybody while she has her job. In the second group are about twenty-five employers who have conducted union shops for six years, but who are ambitious to deal individually with the workers in the future.

Sponsored by the International Ladies' Garment Workers' Union, the dressmakers struck at the beginning of the busy season. They demanded the right to organize, a 40-hour week instead of 44 hours, 10 per cent increases in wages for piece workers and specified flat increases for those paid by the week, unemployment insurance with the workers paying to the insurance fund 1 per cent of their wages and the employers the equivalent of 2 per cent, establishment of workable arbitration machinery, separate toilets and wash-rooms for women and men, rest-rooms for emergencies, and shop-floors swept daily and scrubbed weekly.

There are five divisions of work to be considered: cutting, operating (using a sewing machine), draping (pinning a dress together on a dummy figure), finishing (hand work, putting on snappers, buttons, and trimming), and pressing. Cutters were paid \$39.50 a week—they ask \$43; drapers, who received \$23, want \$29; finishers, whose wage was \$18, demand \$24. Operators, doing piece-work, were paid on a theoretical minimum basis of 85 cents per hour, with each

operator expected to sew an agreed-upon number of garments every 60 minutes—as large a number as the employer could get the union's price committee to agree to. On expensive garments, on which the manufacturer reaped a handsome profit, it was possible to run the rate up to \$1 an hour and sometimes more, but in small shops where cheap garments were made, the rate often was pushed below 85 cents, so the strikers declare.

Under the old agreement, wherever it existed, the employer had the privilege of discharging any worker during the first week of employment without specifying a cause; after that he could not dismiss any one without an adequate reason. But that tenet was frequently violated. And the agreement called for settlement of all job disputes within twenty-four hours, but the thing seldom worked out that way—for instance, in argument as to a unionist's right to a given job.

When the dressmakers walked out, the employers brought in a limited number of strike-breakers from St. Louis, while numerous others were recruited locally. But the picket lines turned many of them back, shaming them away. On the third day, Judge Sullivan issued his injunction, based on the Illinois anti-picketing law forbidding the union and everybody else from picketing or congregating near the premises of the complainants; from addressing any of the strike-breakers as "scabs" or applying any other epithets to them; and from attempting to induce any persons from entering into or continuing in the employment of the complainants, by means of threats, intimidation, force, violence, or coercion.

To enforce this injunction, about 125 policemen were placed on duty in the strike zone, six blocks square—plus numerous individuals in plain clothes known as "Crowe's men," these being from the State's attorney's office; and uncounted thugs hired by the dress manufacturers.

But the officers didn't wait for the strikers to use threats, intimidation, violence, or coercion, according to dependable eye-witnesses. Arrests of pickets on disorderly-conduct charges had begun before the injunction was issued. And as the strike continued, with the open-shop employers getting little production while orders from the trade were going to other cities, the police and the plain-clothes men brought hard-handed methods into play.

There have been about 750 arrests in eight weeks; 525 of these, it is estimated, were made by "Crowe's men." Some of the girls arrested were brutally beaten, and complaint has repeatedly been made that these girls were crowded into small unsanitary cells, and were kept there for hours without being booked. As a general rule, the men prosecuted before Judge Sullivan for defying his injunction were sentenced to fifty days in jail and fined from \$200 to \$450. The girls were sentenced to serve from five to forty-five days in jail and were fined from \$25 to \$350. A few were only fined. All convicted have appealed their cases and given bail. Others brought into court have demanded jury trials and gained postponements.

One advantage possessed by the strikers is that they have an energetic and fearless daily newspaper devoting extensive space to the conflict—the *Daily Worker*, established

here in January by the Workers Party. Fragments from the news as delineated by the *Daily Worker* give a picture of the situation from the strikers' point of view.

Sarah Zelinsky was arrested at the request of a newspaper photographer so that he could get a good flash of a girl hustled into the patrol wagon.

Sophie Altschuler was beaten so severely by Officer 3181 that she has been under the constant care of a physician ever since. . . . Sophie lay on the hard bench of the cell from 4:30 p.m. till after 6 p.m. without being able to get even a bit of water to bathe her head. . . . Carrie Siever says that the policeman who arrested her and Sophie . . . told the officer in charge of the patrol to tell the matron . . . not to book Sophie and Carrie till after six o'clock. . . . Carrie called the attention of the matron to Sophie's condition. The matron said, after looking at Sophie through the bars of the cell, "Oh, she's all right. The skin has not been broken." The matron refused to call a doctor in spite of the fact that there was a city physician on the next floor. . . .

When he (Officer 3181) saw her (Sophie) brought into the hall Friday night he began to swear and curse at her. . . . He began twisting her arms and fingers. Sophie tried to defend herself. This infuriated him the more. He then took her head in the crook of his arm and squeezed it. He threw her to the floor and Sophie fainted. . . .

Rose Trimtz, Freda Ashkamezy, and Louise Huhm were slugged on West Adams Street. The *Worker* reports:

The girls were on the picket line in front of the Francine Frock Company's when four company gangsters rushed out at them with drawn straps flying. Mercilessly assailing the girls with their straps they shouted curses and threats. Several big policemen stood by complacently while the unprovoked assault was going on and made no effort to interfere, until—a girl wrested the strap away from her assailant and began thrashing him. . . . Then the police marched to the aid of the sluggers and arrested the girls.

Two committees have conferred with Mayor Dever about the strike—one a group of four from a committee of 15 appointed by the Chicago Federation of Labor, the other a citizens' committee headed by Father Frederic Seidenberg of Loyola University. In these conferences it developed that the police had no orders to protect strikers. The mayor was urged by the labor group to have the activity of the police confined to enforcing the law, so that further brutality to unionists might be prevented. Dever expressed the belief that State's Attorney Crowe's men and not the uniformed city police were doing the rough work in the strike zone. Three days later the citizens' committee read to the mayor a report made by observers from Hull House. These observers declared that the uniformed men, "Crowe's men," and private detectives alike, with few exceptions, "use profane, abusive, and obscene language in the presence of and addressed to women; . . . threaten strikers with violence and arrest; . . . violently handle passersby with no provocation and without arresting them; . . . arrest persons indiscriminately on the charge of disorderly conduct; and are often unable to state what constituted the disorderliness."

"The uniformed officers act largely under orders from the State's attorney's men," the Hull House observers continued, "and both groups act directly or indirectly under orders from the struck employers."

They recorded Arthur Weiss, one of these employers, as "giving orders in very strong language to officers in uniform and in plain clothes at Market and Jackson Streets,

more than a block from his shop. They obeyed his orders and referred to him as 'the Boss.'"

One girl had been arrested (on March 7) and Officer No. 3181 was heard to remark, "Let's get some more in so we can fill the wagon." At 4:30 he roughly arrested three girls. When asked why he answered, "They were walking three abreast." . . .

Five days after Mayor Dever had expressed implicit confidence in the integrity of the city police, the charge that Sophie Altschuler had been beaten by Officer 3181 was published. The accused officer has made no demand for a retraction of the charge, but is quoted as saying that the girl attacked him and that he acted in self-defense. Miss Altschuler was in bed for four days after being let out of jail on bond.

There was a call for mass-picketing at a meeting of the Chicago Federation of Labor when the strike had been going three weeks. It upset the federation's tranquillity. John J. Johnstone of the Painters' Union sounded the call, declaring the local central body was bound by the tenets of the America Federation of Labor to support the fight against the Sullivan injunction. John Fitzpatrick, president, answered that no such action could be taken without invitation from the striking union. Anton Johannsen, chairman of the committee of 15, declared this invitation had already been officially extended. Johannsen reminded the meeting that the A. F. of L. in its 1914 convention at Philadelphia proclaimed that union men must ignore injunctions completely and should go to jail if necessary in defiance of writs against their freedom. And in 1916, it was pointed out, the A. F. of L., in convention at Baltimore, declared:

We recommend that any injunction dealing with the relationship of employer and employee . . . be wholly and absolutely treated as usurpation and disregarded, let the consequences be what they may. . . . Kings could be and were disobeyed, and sometimes deposed. In cases of this kind judges must be disobeyed, and should be impeached.

But the Chicago federation chose to help the strikers by raising money instead of reinforcing their picket lines.

Judge Sullivan was swung into office again at the last judicial election in the face of his well-known unfriendly attitude toward labor. Lack of vision on the part of the officials of organized labor in Chicago is blamed for Sullivan's reelection. Obviously the labor officials made a tactical error when they failed to put a labor ticket into the field with all the backing at their command. Instead they contented themselves with calling for the defeat of "enemies" and the rewarding of "friends" on the old party tickets.

Contributors to This Issue

ELSIE CLEWS PARSONS is widely known as an anthropologist and writer.

CHARLES GROVE HAINES is a professor in the School of Law, University of Texas, who has made a special study of the judicial review of legislative acts as it exists among the various nations. He has published a number of books, including "The Conflict Over Judicial Powers in the United States to 1870" and "The American Doctrine of Judicial Supremacy."

ROBERT DELL is *The Nation's* correspondent in Central Europe. He has lately spent several months in South Tyrol investigating conditions under Italian rule.

National Public Opinion

(The Nation's Weekly Washington Letter)

By WILLIAM HARD

THIS country is widely and frequently supposed to be a country of great mental uniformity and of highly standardized sets of ideas and feelings. "Sheep, my dear fellow, sheep," is what a distinguished Englishman is supposed to have remarked to a fellow-Englishman while contemplating in 1916 our passion for neutrality in the Great War and while predicting our approaching and subsequent equal passion for belligerency in it.

It is also observed that women's styles of dress are spread with extraordinary rapidity from coast to coast and from the largest cities to the smallest hamlets, producing among us long ago the well-known, even if slightly extravagant, remark that in the United States the "jay town" has almost disappeared. It is further asserted that the newspaper telegraph wires, the newspaper syndicated features, running simultaneously in multitudes of newspapers in metropolitan communities and in the capitals of countries, together now with the radio, distributing its messages to the pure Irish of Boston and to the pure English of the fastnesses of the Alleghenies alike, have brought it about that the same thoughts dwell in all minds in this country from the rock-bound coast of Maine to the sun-kissed orange groves of southern California.

It is a theory to which this political writer pays a deferential homage, since it is widely held and since in politics a theory widely held should never be treated with discourtesy. On the other hand, however, this writer, in recent travels in the region between the valley of the Missouri and the valley of the Hudson, has been led to defend the thesis that in spite of all resemblances between Americans and sheep, and in spite of standardized patterns for women's clothes, and in spite of universal telegraph wires and of universalized newspaper daily and Sunday features, and in spite even of the educating and harmonizing influence of the radio, the amount of misapprehension and of misunderstanding and of variety and diversity of views and sentiments between region and region and between district and district in this country is enough to fill the beholder both with sympathy and with admiration for the politicians at Washington who have to manage, and who do manage, to bring the country ultimately to some sort of moderately united and moderately satisfying action.

In the valley of the Missouri it is for the most part thought to be simply preposterous that Al Smith of New York should even bother to have delegates in the Democratic National Convention. A similar view is entertained in many parts of the South. People in such regions largely refuse to believe that the effort put forth on behalf of Al Smith is serious. They think that there is a joke in it, a catch in it, somewhere.

In Britain J. Ramsay MacDonald can find a constituency, at need, in almost any geographical region of the island. In this country Mr. Al Smith would wander a long time in the States west of the Mississippi before his indubitable personal charms and high public capacities would win him a governorship; and in the region south of the Potomac he might pursue that governorship all the rest of his life and still find it eluding him.

To the drys and to the anti-Catholics of certain large areas of this country the state of mind of New York, in spite of the radio, is an inscrutable mystery. Also, and again in spite of the radio, the superstition that George Brennan, Democratic boss of Illinois, is a malignant machine monster pining to devour and to destroy the uprising democracy of a progressive people can, and does, continue unabated within a few hundred miles of Chicago on the other side of the Mississippi.

In Nebraska no conservative Republican, no matter how conservative he may be, and no matter how ardently he may admire the Esch-Cummins Railroad Transportation Law, is likely to dare to express that admiration while running for office unless he has the courage of Ajax, and he seldom has it. In New Jersey few constituents would stay awake to listen to any candidate who was denouncing the Esch-Cummins Transportation Law, although at that very moment, if his words were carried by radio to the banks of the river Platte, he might keep most of the population of Nebraska awake and thrilled almost all night long.

In Vermont it is virtually not known that the Federal Reserve System is an immense national menace which must be subdued and harnessed in the interests of the plain people before the plain people can be safe in their little properties. In Minnesota, however, the merest child can lisp the iniquities of the Federal Reserve System and can tell the pundits of Wall Street about the beauty and about the necessity of a popular control of the streams and currents of bank credit.

Kansas City is in quite a hubbub in its commercial circles on the subject of railroad consolidation. It is a great national subject in Kansas City. In Wisconsin, where the La Follette progressive Republican organization makes conscientious lists of all great national subjects to be settled by the informed will of an intelligent national electorate, the subject of railroad consolidation is not perceived as a vital issue.

When the Democratic National Convention meets in June Al Smith will thrill the hearts of a large block of delegates, almost all of whom will come from States on or near the Atlantic seaboard. Meanwhile William Gibbs McAdoo will thrill the hearts of another large block of delegates, the overwhelming majority of whom will come from south of the Potomac and west of the Mississippi. It will not be simply a conflict between two men. It will be a conflict between two diverse—and not only diverse but also bitterly hostile—sets of sectional ideas and ideals, ranging all the way from liquor to freight rates on agricultural products.

Any Englishman who thinks that this is a country of uniform sentiments need only take Calvin Coolidge's place for a moment and travel to New York and deliver a speech there which will make the welkin ring on the theme of personal liberty and of religious freedom and then wait to see what will happen in the little dry, anti-Catholic towns of Indiana.

He will then know precisely why an American presidential tradition of vagueness has accumulated almost into a tradition of presidential total blankness of speech except on topics where utterance has become unavoidable.

The reason is that this country is so far from being uniform in its political notions and is, in fact, so sectionally various that only a transcendent genius can have the top of popularity in certain parts of the country without at the same time falling to the bottom of popularity in certain other parts of it. Presidents, then, who are not transcendent geniuses walk cautiously along at neither the top nor the bottom anywhere; and variety of views in the country produces mediocrity of views in the White House.

In the Driftway

TWO women are engaged in suing a firm of famous hairdressers because after treatment the hair of one turned pink and of the other yellow. The Drifter will not attempt to determine the merits of the cases in question; there are matters which he knows enough to let alone. But he feels competent to examine another aspect of the situation: namely, the absurd convention that hair or skin should be one of only few colors. Why should not hair be pink, or yellow, or purple, or green? Why should the Caucasian integument remain conventionally whitish with conventional touches of pink or red? Why should the pink or red grow or be applied always at the same spots? Why not, for example, pure white cheeks and a bright red forehead? Why not a dark blue nose?

* * * * *

THERE are certain tribes whom we like to call less civilized than ourselves who do not consider these questions rhetorical. To them red and white bands painted on a brown arm, or blue stripes diagonally on a broad back seem quite de rigueur. Perhaps in self-defense the pale Aryans have decided that to be beautiful means to imitate nature as closely as possible. Thus when the cheek's red fades they paint it the same old color; when age brings gray hairs, dye restores them to their natural brown: a proper enough proceeding perhaps, although uninteresting, if this were really imitating nature. On the contrary, however, nature plays a thousand variations on the conventional pink and white. The Drifter has seen faces which, with a little help, would have glowed orange, or pale green, or quince yellow. Instead of encouraging these fascinating differences their owners have whitewashed them down the middle and daubed red on the sides. Or else have left them alone, a dull drab putty color, which is perhaps even worse.

* * * * *

THE Drifter is not sure whether more credit or blame should be awarded the female sex in these matters. They are the ones who try to maintain a "natural" beauty by the use of artificial methods, and though they might be applauded for the attempt to change their colors at all, they have helped immeasurably to foster monotony. Men, on the other hand, have, altogether mistakenly, assumed that it was better to let well enough alone. The Drifter earnestly trusts that these words of his will inspire a few brave souls to experiment. Paint is cheap and the surface to be covered at first need not be large. Gradually, when the custom of brightly colored skin and hair spreads, as it undoubtedly will, clothing will cease to be necessary or interesting and the cost of coloration will increase. Unfortunately, the Drifter is very much occupied at present, or he would be only too happy to start the fashion himself.

THE DRIFTER

Correspondence

Another Victim of the Newspapers

TO THE EDITOR OF THE NATION:

SIR: The newspaper reports of the "Allinson incident" were from beginning to end utterly misleading. So also were the syndicated press reports of the statement which I made to my congregation on March 30. I am very sure that you would not intentionally be unjust to anyone, but in your issue of April 9 you misrepresented the position for which I, and to a very large extent my church, have been standing. My statement concerning the inadvisability of inviting Mr. Allinson to speak under the auspices of the Epworth League was made, not because he was a conscientious objector who had served a term at Leavenworth but because I had been led by Dean Wigmore to believe that he had been guilty of disloyal conduct while a sworn officer of the State Department abroad. Dean Wigmore, during the war, was Judge Advocate and chief assistant to General Crowder. He wrote me that he was personally cognizant of Mr. Allinson's record. I now have a letter from the Department of State which disproves Dean Wigmore's assertion, and have given publicity to this letter.

I have told my congregation that "whatever attitude the state may feel obliged to take toward the 'conscientious objector,' the Christian church ought not to make more difficult his already terribly difficult path," and added that the church "ought never again in her official capacity to bless war."

Evanston, Illinois, April 14

ERNEST F. TITTEL

Sky-Songs

TO THE EDITOR OF THE NATION:

SIR: The mail this morning brought me from the offices of *The Nation* a marked copy of *Art and the Camera* cut from *The Nation* of April 16. Coincidentally I received a copy of the *April Arts*. It is most amusing how very divergent are the reactions of Mr. Craven and those of Virgil Barker, the associate editor of the *Arts*. Mr. Barker says:

Can a photograph be a work of art? An entire number of that unperiodical periodical entitled *Manuscripts* was devoted to a symposium of that question. And all those words by all those writers, whether for or against, are turned into empty chatter by the wordless sky-songs of Alfred Stieglitz. To one individual they came as a revelation—a call to adventure, an enlargement of experience, a spiritual release. A perceiving soul has trapped sublimity in a machine and on sheets of paper a hand's breadth wide has fixed immensity.

In the number of *Manuscripts* referred to, Mr. Craven is one of the contributors. As for Mr. Barker, to whom the tiny "sky-songs" (they are not "photographs of clouds") came as a revelation, perhaps it will be of interest to your readers to know that they also came as revelations—to many hundreds of painters, sculptors, poets, writers, laymen, women and men, quite as sensitive, quite as critical as Mr. Craven. Among those agreeing with Virgil Barker are: Lachaise, Marin, Dove, Demuth, O'Keeffe, Ben Benn, Coomaraswamy, Eilshemius, Bel-Geddes, De Zayas, Varèse, Ernest Bloch, Halpert, Ornstein, Gilbert Cannan, Sherwood Anderson, Zona Gale, Professor Ehrenfest (of the triumvirate Einstein-Lorentz-Ehrenfest), now lecturing in this country, and many more.

I have a letter before me from Gilbert Cannan: "... I have grave doubts about the Woolworth Tower but none about your photographs. ..." In a letter from Leo Stein (December 4, 1922), he writes: "Your kind of photography seems to me essentially nearer the best of painting, the Giorgiones, the Rubens, the Renoirs—not of course in aspect but in spirit—than any contemporary painting that I know."

Incidentally I might quote Willard Huntington Wright in his "Creative Will" (Art and the Individual, page 246):

The emotionally limited critic denies the inherent existence of aesthetic beauty in a work unless he is personally capable of reacting to it and at the same time questions the sincerity of the man who responds as the result of a more highly developed sensitivity. For the meagerly equipped the science of aesthetics is useless: it is without the substantiation of emotional experience.

I have seen Mr. Craven stand before paintings as well as before photographs and I have every reason to feel that he belongs to the class of "critics" alluded to by Mr. Wright. As for his knowledge of photography in its significant sense I know it to be negligible—even if he may be the proud possessor of a Brownie.

New York, April 20

ALFRED STIEGLITZ

TO THE EDITOR OF THE NATION:

SIR: Just so often along comes the "Wonder Man"—he who puts us crooked—pardon—straight of course—at the cross roads—follow his pointing and you'll leave Worry behind—if you would want to hook up with worry again—assume you've been led astray—come back and you'll find your friend—Worry there awaiting you

Monuments—huge monuments
to him—of him

at every cross road—with a push button—out comes an arm pointing—pointing the way—

Along came my friend Alfred Stieglitz—he was met with a bucket full of cold storage stuff always kept on tap—he says he heard shouts of glee back in the bushes—he got it for photography's sake or Art's sake or Creative Will's sake

They are all three nice sounding Academic terms

Some of it spills like this

"Unusual selections beautifully printed"

—there we agree—

In one instance he addresses them as "pictures"—why this flattering appraisal

too—the admission to a small amount of "creative thought"—this opening might lead some one to assume—a larger amount—

Seems to me selection covers quite a field—there can be a kind of selection

a why of selection

and purpose of selection

Does he unwittingly give Stieglitz this privilege because when you haul in selection you're close to the tree of "Self expression"

One can follow discussions—admissions—convictions until one comes upon a stamp of self imposed finality like this "in the last analysis" then he himself proceeds to the putting of the stamp of "last analysis" on Stieglitz's work

So that one is forced to the term "Wonder man"

here's Something

Could it be that the work of Alfred Stieglitz wasn't seen by "Wonder man" after all

Cliffside, New Jersey, April 23

JOHN MARIN

Mr. Farrar Competes

TO THE EDITOR OF THE NATION:

SIR: I nominate to win your hundred dollar prize and decipher the Coolidge blah, Mr. Johnny Farrar of the eminent *Bookman*. In the current number of that publication, Mr. Farrar professes to find in the presidential style the same elements of nobility that distinguish Lincoln's speeches and the Bible.

If this be prose, I am, Sir,

Yours for poetry,

New York, May 1

ROLFE HUMPHRIES

The Son

By ROBERT WOLFE

When Jesus was a child, did people say,
"Oh, yes, I talked that way when I was young"?
Did Joseph storm and Mary maybe pray
Repentance for his keen irreverent tongue?
And all the bearded elders of the land,
Did they not urge diplomacy and tact,
And tell Him one could make a *stronger* stand
By not mistaking pleasing dreams for *fact*?

They must have wagged imposing Jewish chins
In such disapprobation of that youth
That all His playmates shuddered at His *sins*,
While one gray crony—laying down the truth,
Predicted God would punish Him and send
The gallows, or the cross, or some bad end.

Books

Pieces of Eight

Privateering and Piracy in the Colonial Period. Illustrative Documents. Edited by John Franklin Jameson. The Macmillan Company. \$5.

AS indicated in the subtitle, we have here a collection of documents rather than a narrative history; but it is a "source-book" of quite unusual interest. There are indeed many documents of a legal or official character—a letter of marque, vice-admiralty commissions, extracts from court records, and the like; but a large part of the book is taken up with narratives of a less formal kind. Even the strictly legal documents often have a surprisingly "human" quality. The collection is remarkable also because of the extraordinary range and variety of the sources from which the material is drawn. Comparatively few of the documents here published have been printed before and these few are sometimes scarcely more accessible to most readers than if they were still in manuscript.

The special student of colonial history will find here new light on many aspects of seafaring life in the seventeenth and eighteenth centuries; on war-time commerce, legitimate and illicit; on the life of the ordinary seaman and his business relations with master and owner; on complicated international rivalries and relationships. The footnotes, prepared with the closest attention to details but enlivened by an occasional bit of dry humor and without a touch of pedantry, offer the reader who wishes to go further keys to a great mass of interesting and comparatively unused material.

It will be a pity, however, if this book is left entirely to the historical specialist. No reader with a taste for the literature of adventure can afford to miss these records of the freebooters and their victims. Some of the famous pirates like Bonnet and Teach (alias Blackbeard) come in only for brief mention or not at all, but there is new light on Captain Kidd and his scarcely less famous contemporary, Every. There are other personages, too, whose names are likely to stick in the memory of the reader. Here he will meet Captain Sawkins, the idol of his fellow-buccaneers, who, when peace came in 1679, turned easily, like so many others, from privateering to piracy. Called on by the Spanish Governor of Panama to show his commission, he answered that "we would . . . bring our Commissions on the muzzles of our Guns, at which time, he should read them as plain as the flame of Gunpowder could make them." "Legible, no doubt," our editor remarks, "but not legal." When the Governor challenged him to a fight on the

shore, the doughty captain returned "this answer, that in case he would bring out one hundred thousand pieces of eight he would meete him with one hundred men against his, to fight him for the money, or elce resolved to die in that Place." One is hardly surprised that the governor "refused so to doe." With all his recklessness, Sawkins was something of a stickler for Sabbath observance and on one occasion threw his men's dice overboard, "finding them in use on the said day."

Quite up to the best standards of melodrama was Bartholomew Roberts with his "rich crimson Damask Wastcoate, and Breeches, a red Feather in his Hat, and a Gold Chain Ten Times round his Neck," whose men scorned "to be hung up in Gibbets a Sundrying as Kidd and Bradish's Company did." Before they would surrender, they would "put fire with one of their Pistols to their Powder, and go all merrily to Hell together."

In the eighteenth century, Boston, with its royal governors, was less hospitable to pirates than its neighbors in Rhode Island who had a bad reputation in this respect; but the citizens of the old Puritan capital did not altogether miss the spectacular and tragic aspects of the business. It was from Boston that Kidd was sent to England for trial and a few years later came the trial and execution of John Quelch and his fellow-pirates, noted with the keenest interest by Samuel Sewall and Cotton Mather. While the prisoners were awaiting execution, "Sermons were preached in their Hearing every day. . . . And nothing was left, that could be done for their Good."

The longest single document in the collection is the journal of the Newport privateer, *Revenge*, taken from the papers presented to the Massachusetts Historical Society by Charles Eliot Norton. The *Revenge* under Captain Benjamin Norton sailed in 1741 from Newport and New York to cruise against the Spaniards in the West Indies. The journal is in the main a business-like record of such matters as the recruiting of the crew, the shares of officers and men in the proceeds of the voyage, the taking and disposition of prizes, and other typical incidents of a privateering cruise. Even this record, however, has its picturesque items, like this one under date of October 1: "Brave Living with Our People. Punch Everyday, which makes them dream strange things which foretells Great Success in our Cruise, they dream of nothing but Mad Bulls, Spaniards and bagg of Gold."

The temptation to quote further must be resisted.

EVARTS B. GREENE

Twilight of the Vikings

In the Grip of Life. A Play. By Knut Hamsun. Alfred A. Knopf. \$1.75.

Children of the Age. By Knut Hamsun. Alfred A. Knopf. \$2.50.

IT is not as difficult as it might at first seem to reconcile the delicate sensuality of some of Hamsun's books with what appears to be the almost savage robustness of others. The man who rejoiced in the primitive vigor of unlettered pioneers and seemed to celebrate that animal vitality which does not even comprehend its own emotions is indeed the same aging wanderer who rambled over the scenes of his youth and dwelt with gentle melancholy upon the memories of past gallantry, for in both are to be found the romanticist who is the essential Hamsun. Though he may present himself in the guise of a preacher or moralist he is a poet, and when he pleads for a return to the simple virtues and a life close to the soil it is the poet who speaks. An illiterate peasant is a picturesque figure, but a half-educated clerk is not, and this fact more than any other explains his championship of the primitive. Himself of peasant stock, he grew up in a society where an indigenous peasant

culture flourished in an almost feudal society. Within his own lifetime almost, patriarchal life gave way to provincial democracy, the products of peasant handicraft were supplanted by factory gewgaws, and the fisherboy turned into clerk or parson. All of his sensibilities and his essentially civilized admiration for the primitive rebelled against the change, and he made himself into a moralist in order that he might try to save the picturesqueness of the past which appealed to his poet's heart. In those of his books in which he himself appears we see him as he is—sensitive nearly to the point of being neurotic and almost an aesthete in his cherishing of sensations and experiences for their own sake; in "*Growth of the Soil*" we have not the record of the doings of a simple spirit but the desires of a very complex one. It is not so much a desire to live the simple life as to watch and describe those who do.

For a writer who, in spite of the apparent objectivity of some of his works, is as intensely personal as Hamsun the drama is not the happiest form. When he can neither speak for himself nor insinuate into the texture of the narrative his own point of view his work loses much of its most characteristic flavor. Hence "*In the Grip of Life*" is not one of his most important works although it deals with a favorite theme—the hopeless uselessness of age when the warmth of passion, which to a romanticist gives life its meaning, is drawing irresistibly away. "*Children of the Age*," on the other hand, is perhaps the best of his books to be translated since "*Growth of the Soil*," and it is in a sense a companion piece, for it is the situation in reverse.

The book tells the story of the downfall of a great family. The first Willitz Holmsen had laid the foundations of Segelfoss Manor on a solid basis of money and land; the second had added refinement and, without exactly sacrificing reality, had stretched out in the direction of culture and refinement; while the third, the hero of the story, completely loses his grip upon the soil and has only pride, culture, and helplessness to take the place of energy, power, and resource. Partly because of the exhaustion of his race and partly because of the current of the age, typified in an industrial adventurer who comes to start a mill in sight of the ancient manor, he can do nothing except shut himself up in physical and spiritual isolation. His lands slip away until in the end there is only a whirling manufacturing town where once there was a complete feudal unit, and the hardy peasants turn into vulgar "hands" or "rise" to be clerks and provincial parsons. Leaving the moral of the tale aside, it is magnificently done and a perfect whole. The solemn grandeur of the remote self-sufficient community, the gradual encroachment of the tawdry vulgarity of factory and commerce, and the character of the unhappy lord of the manor, who is driven back more and more upon himself until he is estranged even from his wife, are all projected by an extraordinarily powerful imagination, and, touched as they are by the constantly but unobtrusively hinted scorn of the writer, they not only tell the story but produce exactly the effect which he desired—a sort of twilight of the gods. All the fair old things seem to be passing away, virtue is going out of man, and an irresistible tide of noisy vulgarity is sweeping the earth.

The power of imagination and the subtlety of the character-drawing make it easy to forget Hamsun the moralist and Hamsun the unconscious aesthete. Indeed it is hard to remember them, and perhaps it is not worth while to quarrel with either, but one thing may be said. Those of us who are, quite without regret, children of our age realize that the adventure upon which we and our times have embarked, sweeping away old societies and old cultures as well as old ideas, is still only an adventure. We know that the society which our age has built lacks much which other times and societies have had, that the factory is less comely than the castle, and that the cocky underclerk has less of dignity than the peasant rooted in the soil. It may be, indeed, that in attempting to substitute prosaic

fact for charming legend and the vulgar bustle of democracy for the decorum of ordered subserviency we have created a permanently ugly world. But we have not lost hope. Far as we have gone astray, we have done these things quite sincerely in the names of truth and justice and we are not sure but that, ultimately, they will produce a society from which the artist will not wish to turn away.

J. W. KRUTCH

The American Game

The Great Game of Politics. By Frank R. Kent. Doubleday, Page and Company. \$2.50.

There is a man in your neighborhood who knows your name, your business, the amount of your income . . . and a good many other things that you consider quite personal. . . . That man is your Precinct Boss. He knows all about you. . . . But Frank R. Kent of the *Baltimore Sun* knows all about him.

AND, after perusing Mr. Kent's engaging account of precinct, ward, and State bosses, the reader will be inclined to agree with the announcement of the book that he does speak for a rather more intimate acquaintance with the ways of a politician with a constituency than most of the rest of us can claim.

Nor does he stop at discovering the puppeteer himself, but displays how his tricks are done, what makes the marionettes—candidates and voters—perform so automatically at the ends of their leading-strings. Press agents and campaign contributors, candidates and lobbyists, legislators and executive officials are directed by the coach in the dugout, out of sight of the applauding multitude—the electorate. Each plays his part in the "game" that seems so very real, a part skilfully prepared and closely synchronized. Only rarely does teamwork break down; very generally the game is played off with a precision that is the despair of the professional coaches in other sports.

Mr. Kent speaks from a quarter-century of experience in journalism which probably brings the non-professional closer to the realities of politics than any other kind of work. He is not afraid to say what he thinks and writes with quite refreshing frankness of the motives, methods, and machinations of politicians. His book is not, and is not meant to be, a history of politics in America or a dissertation on the metaphysics of the state. But, as a straightforward account of actual conditions written from the "outside," from a rich background of "inside" information and observation of our political life, it fills a conspicuous gap in our *materia politica*. To some it will come as exposure, to others as an indictment; there will be many both in and out of college classrooms (it should do about equal service within and without the walls of Academe) who will derive perhaps some profit and certainly much enjoyment from its reading. Would that Mr. Kent could append a symposium in a future edition of the opinions of the book of Calvin Coolidge, Mayor Curley of Boston, H. J. Ford of Princeton, Mr. Anderson, late of the Anti-Saloon League, and Charles F. Murphy!

PHILLIPS BRADLEY

In St. Stephen's Chapel

The Journal of Sir Simonds D'Ewes, from the Beginning of the Long Parliament to the Opening of the Trial of the Earl of Strafford. Edited by Wallace Notestein. Yale University Press. \$7.

THE Historical Department of Yale University deserves the gratitude of every student and reader of English history for including among its historical publications this volume containing the journal of Sir Simonds D'Ewes, dating from the beginning of the Long Parliament to the opening of the trial of the Earl of Strafford, November, 1640, to March, 1641. Mr. Notestein has done a model piece of editing, and, though the

volume is a portly one, the type is clear, the paper light, and the volume attractive and easy to use.

Mr. Notestein has given us for the first time in printed form the most important part of what is probably the most remarkable private journal of any parliament in any century of English history, one which deals with months of revolutionary legislative and judicial activities, the most serious ever entered upon within the same short period of time by any reforming parliamentary body. D'Ewes was himself a member of this parliament and recorded what he heard from day to day, adding also abstracts of his own speeches. He was scrupulously painstaking and accurate and, having in mind the writing of a history himself, he made his record for the especial benefit of historians. Reading what he has set down—here supplemented by footnote enlargements from the diaries of other observers—one gets an intimate knowledge of the course of events, a familiarity with the appearance, manners, and mentality of men whose names are well known—such as Pym, Hampden, Cromwell, Strode, Holles, and the like—and a sense of nearness to things as they actually happened, which no amount of reading of Rushworth, Whitelocke, and Clarendon, among the contemporary writers, or of Carlyle, Forster, or Gardiner, among the modern historians, can possibly give. There are scores of such vivid scenes as the following:

The Lords being sett in ther roabes and the king come, the Speaker was twice or thrice called for. Being placed at the reiale, I standing alsoe next, the king spake to this effect; . . . As we were in the midst of this dispute Thomas Earle of Strafford Leiftenant of Ireland came in a barge to the Upper Howse from the Tower; and divers ranne to the East window of the Howse who, with those that sate by looked out at the saied windowes, opened them, and others went with some noise and tumult out of the Howse soe as wee were almost whollie interrupted: which made us call the Speaker to the Chaire againe and the mace was laied on the table, and the Clark came againe into his chaire; . . . Mr. Cromwell stood upp next and saied, Hee knew noe reason of these suppositions and inferences which the gentlemen had made that last spoke; upon this divers interrupted him and called him to the barre. Mr. Pymme and Mr. Hollis therupon spake to the orders of the Howse that if the gentleman had saied anie thing that might offend, hee might explaine himself in his place. I alsoe spake to the orders of the Howse; and shewed that I had been often readie to speake against the frequent calling of men to the barre in this Howse upon triviall occasions. For to call a member to the barre heere is the highest and most supreme censure wee cann exercise within these walls.

Out of their settings these extracts lose some of their force, but taken as a whole they transport us, as if by magic, into the midst of events transacted in St. Stephen's Chapel, Westminster, during those exciting months of 1640-41, when a body of grimly determined men came together to be, as Pym said, "of another temper than they were the last parliament," and of a mind not only "to sweep the house clean below, but to pull down all the cobwebs which hung in the top and corners, that they might not breed dust and so make a foul house hereafter."

CHARLES M. ANDREWS

Highbrow Ku Kluxism

Ethics and Some Modern World Problems. By William McDougall. G. P. Putnam's Sons. \$2.50.

IT is all very simple. There are two systems of Ethics: the Universal and the National. (The capitals are Mr. McDougall's.) The first is exemplified in such world religions as Christianity, Buddhism, and Islam; the second, in modern times *par excellence* by pre-war Germany. Out of the conflict between the two has come much of progress and culture, but more of social danger. Moslem civilization deteriorated because it was too universal; European civilization has so far escaped that fate because it was imperfectly Christian. Germany, however,

was led to her doom by National Ethics, "unsoftened, unrestrained by an admixture of Universal Ethics."

Mr. McDougall's chief fear is Universal Ethics, which he sees embodied in the Christian gospels, democracy and socialism. The biological effect of these forces unchecked will be disastrous since they will result in a deterioration of the human stock by the overbreeding of inferior races, nations, and classes at the expense of the superior. It is therefore mistaken ethics for the superior nation or class not to assert itself. In the long run such assertion makes for eugenic progress. "Our goal . . . must be the enduring and highest happiness of the greatest number." Emphasize the "enduring," and Nordic supremacy (the idea though not the phrase is the author's) and the capitalist system can be justified to those who benefit by them. And of these elect McDougall is the prophet.

As a matter of practical organization we should be governed by a responsible aristocracy. Nations (which are the true social units rather than individuals or classes) must be preserved, but as members of a society of nations. Only the literate—and the test for literacy should be high—should be enfranchised citizens. Between them and the illiterate intermarriage should be illegal. Children of the illiterate on passing an educational test may graduate into a probationary class where after twenty years of satisfactory conduct they may be admitted into the rights and duties of full citizens.

Let us hasten to add that McDougall's aristocratic republic, unlike Plato's, sees no necessity for a communistic standard of plain living for the rulers lest they be tempted to use power for their own advantage. On the contrary, he is deeply exercised lest high wages should cause "our bacteriologists to become bricklayers."

This brief statement does less than justice to the absurd simplifications and downright falsehoods of Mr. McDougall's historical interpretations. Germany only was responsible for the war, and Germany was misled solely by an excess of National Ethics. Burma is what she is, modern Moslem culture is what it is, because of Universal Ethics. Climatic and economic conditions and the inadequacies of universal religions as far apart as Buddhism and Mohammedanism are not considered. Great Britain, which had not "drifted so far down the slope toward ultra-democracy as had the United States," delayed not a single day in coming to the rescue, not of her imperial interests, but of "international morality," while America hesitated three years, during which the noble aristocrats tried to get the backward democracy into action.

Such a book as this hardly deserves serious review except that the reputation of the author, his plausible style, and his skill in pseudo-scientific statement make it a welcome defense to all the hoary old prejudices and outworn modes of economic organization that menace the peace of the world. McDougall in this book is the Imperial Wizard for a more or less highbrow Ku Klux Klan. Significantly, his book was first delivered in the form of lectures at Northwestern University. Despite the aberrations of a few pacifists there, he must feel that on the whole his seed fell on needy but fertile soil.

NORMAN THOMAS

Lloyd Osbourne's Portrait of R. L. S.

An Intimate Portrait of R. L. S. By Lloyd Osbourne. Charles Scribner's Sons. \$1.50.

A QUARTER of a century has gone by since the withdrawal by Mrs. Stevenson of the material placed in the hands of Sidney Colvin for a biography of her famous husband, with Mr. Colvin's dilatoriness as the chief explanation of her action. After her son, Lloyd Osbourne, had suggested that he would himself write the Life—and to this Mr. Colvin strenuously and successfully objected—and after Mr. Colvin stated that he might

feel obliged to write, at a later date, the Life of Stevenson that he had in mind (but which still remains unwritten), the alteration found its solution in the biography written by Mr. Balfour under the supervision of Mrs. Stevenson. Since that time a misleading picture of Robert Louis Stevenson—constantly more misleading through an accretion of uncritical adulation—has been allowed to form in the mind of the public. The major responsibility for the Stevenson myth rests on Mrs. Stevenson, who suppressed hundreds of his biographically illuminating poems; who insisted on the elimination of significant facts, the veiling of personal characteristics, and a misrepresentation of Stevenson's general attitude toward art and life—altogether, a course of action that Stevenson himself would be the first to resent.

In the papers originally published in magazine form, and now, thirty years after Stevenson's death, brought forward as a separate volume, Mr. Osbourne has done what should have been done long ago. In the portrait that he gives of R. L. S. there is not a single line that could ever have given any offense to anyone not interested in the suppression of a true portrayal.

Stevenson is shown at various ages from twenty-eight on, and in various places he visited and in which he lived during the long journey in search of happiness and health. His charm, his playfulness, his courage, his wit are set forth, as are also his vanity, his moods of discouragement, and his whims. Nor does Mr. Osbourne disguise Stevenson's attitude toward the limitations imposed on his art by Victorian England, or hide the propensity of R. L. S. in the direction of colorful swearing. He significantly quotes Stevenson as saying: "A child should learn to judge people and discount human frailty and weakness. I have no patience with this fairy-tale training that makes ignorance a virtue." Mr. Osbourne speaks (and this is decidedly admirable) of his own idolizing of the poet Henley, the man who most fearlessly attacked the Stevenson myth in its incipency. He shows himself willing in this "intimate portrait" to depict, not the "seraph in chocolate," but Stevenson himself, as he was with all his faults and all his virtues.

The main limitation of Mr. Osbourne's engaging book is one inherent in the circumstances. Quite obviously to the initiated, there are some things that Mr. Osbourne cannot be expected to relate. When (*Scribner's*, October, 1895) he wrote Mr. Stevenson's *Home Life at Vailima*; when (*Century*, July, 1899, and March, 1902) his sister wrote Stevenson in Samoa and in Samoa with Stevenson, they both dealt almost exclusively with the life of the Samoans and only in comparatively insignificant manner with Stevenson himself during this most important period as his life drew darkly toward its close. Mr. Osbourne now gives some vivid sketches of Stevenson's last years; but a fuller picture must yet be undertaken by a less circumscribed pen. All this does not lessen the obligation of students of Stevenson's character, and of all other broad-minded admirers of that lovable author, toward Mr. Osbourne for having (even at so late a date) produced a book well worth writing and very well written indeed.

GEORGE S. HELLMAN

Tales

The Cathedral Folk. By Nicolai Lyeskov. Translated by Isabel F. Hapgood. Alfred A. Knopf. \$2.50.

LYESKOV'S forte was the short story. There are several stories woven into the woof of this novel and they are beyond doubt the bright spots in "an otherwise bald and unconvincing narrative." The dwarf's tale, especially, might be chosen for its pithy irony and luminous simplicity as a masterpiece of the shorter fiction form. But these coral reefs in a dead sea are no more acceptable from Lyeskov than from Richard Wagner. Wagner at least took his dull recitative

seriously, but Lyeskov is quite aware of the humdrum inadequacy of his incidents.

For exactly two hundred pages his attitude toward the action and the characters of the novel is that of an indulgent adult who amusedly watches and listens to the obvious pranks and prattle of very small children. He knows that there is no significance, direct or implied, in these actions; he feels that they are not even essentially humorous, though there is humor in the contraposition of actors and deeds. This superior, patronizing attitude is communicated to the reader only too well, so that when Lyeskov finally introduces his operabouffe villain and his undeniably earnest tragedy, serious consideration of the denouement is utterly impossible. We can only continue to smile at the agitation of Lilliputian minds; the sympathetic mood has been sardonically dispelled.

It's a pity. For beneath the raillery, beneath the conscious dullness lies as appreciative a consideration of the inadequacy of Main Street life as anything written in Russian or English. The diary of the Archpriest Tuberozoff is a unique study of intellectual sclerosis and the portrait of Deacon Akhilla can hang beside Sancho Panza in the gallery of fiction.

The diary redeems in a measure the first half of the book; what follows is the novel. There Father Tuberozoff finds his task and his martyrdom. When he says "Life is ended and living has begun," as he departs to face those who would accuse him of heresy, he means that the bestial routine of sleeping, eating, and working sinks beneath notice and care while a great spiritual adventure now animates and motivates his existence. The phrase may be made a stencil for the man who finds his fight late in life.

In dealing with the struggles of the archpriest and the deacon, Lyeskov seems to be stricken with remorse at his earlier levity and insouciance. He is guilty of obvious sentimentality. All else one might forgive, but not this saccharine artificiality.

JOHAN J. SMERTENKO

Books in Brief

The Thousand and First Night. By Grant Overton. George H. Doran Company. \$2.

What it is that lifts romantic fiction out of mere pattern and endows it with the sinews of reality has never been reduced to formula. One finds it in a novel, or one hopes to find it. In this instance, one hopes to find it. Mr. Overton has assembled the mechanism of high adventure, and set it spinning with skill—but it follows the pattern. The story revolves wheels within wheels—a story within a story—but no spell is cast; one has been entertained, but not transported.

Cherry-Stones. By Eden Phillpotts. The Macmillan Company. \$1.25.

Unpretentious, uninspired verse by an unoriginal novelist.

The Best Poems of 1923. Edited by L. A. G. Strong. Small, Maynard and Company. \$2.

Mr. Strong is an interesting poet, and he has chosen interesting poems from a year's output in England and America. But unless he intends to repeat his performance annually over a considerable period the present labor is wasted. Nothing could more invite the attack of time than the title which he has given to his small volume, and nothing is surer than that eighty-eight poets are too many for anything except a periodical largess of laurel.

Van Tassel and Big Bill. By Henry H. Curran. Charles Scribner's Sons. \$1.75.

There is a very definite moral to Mr. Curran's collection of stories, threaded upon the career of the young Van Tassel: "We need our best men in government, not in business." His

locale is the back room of the district club, the potent corner saloon, and the devious streets of Greenwich Village, as well as the campaign platforms and the assembly rooms of City Hall. His young hero is, as Mr. Curran is, a member of an old New York family, who has an itch for politics. The game, as Mr. Curran depicts it, is a series of favors, with an eye to votes, and a succession of red-light processions. Mr. Curran's pictures of New York City politics are almost as transient and casual as the day's news.

The Bookman Anthology of Essays. Edited by John Farrar. George H. Doran Company. \$2.

A literary custard of Doranic essays, with Broun for spice, Mencken for tartness, Lyon Phelps and Burton Rascoe for solidity, and Oliver Herford for leavening. Sketches ranging from the dignified ponderous to the sparkingly droll: the devious literary researches of Jack Dempsey, Academician; a polyanic defense of Harold Bell Wright, the Righteous; a pathetic glimpse of O. Henry, Homer of the Four Million, who would a playwriting go; the chuckling history of the Almost Illegal Santa Claus. One page diverting, the next anthologically dull.

Written in Friendship. By Gerald Cumberland. Brentano's. \$2.50.

Mr. Cumberland has sprinkled ink on the tailcoat of nearly everyone who writes, composes, or acts in the British Isles. He is an indefatigable interviewer and will match opinions—heads I win, tails you lose—with anybody who gives him the slightest opportunity. It gives him much pleasure to stick pins in poses, although it must be said that he beams and berates with equal zest. All of this book is interesting; the chapters in which he dwells upon his own experiences in the writing game are perhaps most valuable.

Eye and Ear in Opera

By PITTS SANBORN

THE success of the past season's production at the Metropolitan Opera House of Massenet's early and extremely spectacular opera "Le Roi de Lahore" might serve as excuse for a debate on the relative importance of the eye and the ear in the enjoyment of opera. The implied conflict would in this case be more acute if Massenet's music were downright bad. That it is not. It is harmless music; negligible, so far as controversy goes, except for the one famous air of Scindia, "Promesse de mon avenir," which soars well above the general level of the score. But, in spite of this one number, the opera would never interest anybody in this year of grace, either as music or as drama, were it not for the prodigal splendor of the scenery and costumes, so lavishly provided by the Russian painter, Boris Anisfeld. Crowds have flocked to the Metropolitan for the sheer visual pleasure of seeing an India of earth beneath and heaven above as Mr. Anisfeld in all the glory of his riotous imagination conceives and depicts it.

Now, I hold no brief here for the paramount rights in opera of either eye or ear. I would only point out that each may be truly served without prejudice to the other. To obtain spectacle in the opera house that is not "Aïda" or "Le Prophète" or "Tannhäuser," or even "Die Zauberflöte," "Oberon," or "Boris Godounoff," it isn't necessary to disturb the innocent slumber of a departed worthy like "Le Roi de Lahore" that served its purpose in its day and earned an inalienable right to the repose everlasting. The canny impresario might perfectly well unlock the door on the teeming treasure house of eighteenth-century opera before Mozart. There he would find, for instance, Handel, Rameau, and Gluck to provide delectation for the ear while he himself looked out for the sumptuous dressing of such of their operas as afford illimitable opportunities for scenery, costumes, and pageantry.

"Gluck, of course," the opera-going Thomas might reply, recalling past Metropolitan efforts with "Orfeo," "Armide," and "Iphigenia in Tauris," "but surely not Handel and Rameau!"

Now, nobody would dream of denying that Handel's Italian operas are mines of musical inspiration, but it took the post-war Germans to seize on that reservoir of riches and work it. The reviving of operas by Handel has these last years become a veritable rage in Germany. "Giulio Cesare," "Rodelinda," and "Ottone" are three that have been brought back after nearly two centuries of disuse, and they all afford large scope to scene-painter and costumer, as well as to singers the most accomplished. "Tamerlano," with its solemn pageant of the death of the Emperor Bajazet, likewise calls for revival, and so does "Rinaldo" (identical as to subject with the "Armide" of Gluck), boasting its crusader hero, the magic garden of its enchantress heroine, and that air beloved of all contraltos and their hearers, "Lascia ch' io pianga."

In Handel's own day "Rinaldo" was an open sesame to the fancy of the scenic furnisher. We have Addison's complaint in the *Spectator* that the wild birds with which Armida's garden was stocked flew straight for the candles, snuffing them out, and brought further dismay to an astonished audience by seeking nests within the curling invitation of its wigs! It was in "Rodelinda" (the heroine of this work is an abandoned Lombard queen) that Francesca Cuzzoni (whose prima donna warfare with La Faustina was destined to become historic) effected her London debut, and, in the words of Rockstro,

"created so extraordinary a *furor* in this charming opera that the brown silk gown, trimmed with silver, in which she performed the part of the heroine, led the fashion of the season." Indeed, all London crowded to see and copy La Cuzzoni's frock. Of course it was fashioned in the smartest mode of 1725, not according to the speculative possibilities of royal dressing in the shadowy region of a legendary Lombard past.

Here and now the Handel operas might best be staged and costumed in imitation of the fashions that prevailed in Handel's time. I, for one, would frown upon a rigorously contemporaneous costuming for the operas of Gluck (there one encounters an essential and determining difference in the musical style and feeling), but when the Paris Opéra five years or so ago revived the "Castor et Pollux" of Rameau, those heavenly twins stepped forth in all the trappings of great gentlemen of the court of Louis XV, and their dames, like stately frigates of the battle line, swam the stage majestically in billowy sail of well-hooped petticoats and under mountains of overtopping peruke. And it was all just right. The "Armide" of Gluck invites likewise to spectacle without end, though here the realms should approach pure fantasy, anchored but lightly to place or time.

The whole subject, however, is a big one, and an enticing field for study and reflection on the part of anybody who really cares. I should merely like here to suggest for next winter's opera season one sure road toward a region where ear and eye together may find profit and delight.

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subject

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International Relations Section

Reaction in Poland

By L. T.

POLAND is nominally a democratic republic. Her constitution provides for freedom of speech, press, and assemblage. By the clauses of the Versailles Treaty, Poland was bound to respect the rights of the national minorities on her territory. In reality Poland presents a picture of reaction comparable only to Horthy's Hungary in its ruthless persecution of any expression of opinion which is contrary to the taste of the ruling caste. The outside world has so far gained little knowledge of what is going on behind the screen of paper guaranties embodied in a constitution which seems to be designed for foreign consumption rather than for domestic application.

Following is a brief summary of news items from several organs of the Polish radical press from which may be gleaned an idea of the actual state of affairs in that country. The wrath of the ruling group is turned chiefly against Communists and everything which may be associated with the Communist movement. The Communist Party is completely outlawed. The adherence to communist ideals is an offense punishable by four years of hard labor. But sentences to longer terms are not uncommon, and the time spent in prison prior to the trial is not included in the sentence. As a rule offenders accused of belonging to the Communist Party are kept in prison without trial for a year and more.

However, the offense of communism is only too often a pretext for the persecution of labor organizations maintaining a legal existence in accordance with the laws of the state. Prior to the elections to the Polish Diet in November, 1923, an organization of workers and poor peasants was formed known under the name of the Alliance of the Proletariat of City and Country. This organization participated in the election campaign on a platform which contained nothing contrary to the constitution and the existing laws. Yet the executive committees of the alliance were disbanded by the authorities and most of their members were jailed. The meetings of the organization were brutally broken up by the police and its followers were maltreated and incessantly terrorized. The persecutions did not come to an end with the election campaign. When, despite all handicaps, the Alliance of the Proletariat of City and Country succeeded in electing two members (Krulikovsky and Lancucki) to the Diet, the police avenged itself on many of the active members of the organization by arresting them and sentencing them to long prison terms. A news item in a Polish newspaper runs:

On October 18 in the district court in Lodz the following persons were tried and sentenced for belonging to the Alliance of the Proletariat of City and Country and for participation in the May Day demonstration: Teofil Miller, Stefan Dombrowski, Antoni Kubera, and Kazimierz Klikauer to three years' hard labor; Maksymilian Furmnanski, Stanislaw Czworka, Genevieve Czech, and Stanislaw Fidyk to two years' hard labor.

A wave of indiscriminate arrests and persecutions swept the whole country after the explosion in the Warsaw citadel in October, 1923. The following brief account of these arrests, dated Warsaw, November, 1923, was sent to a Polish radical newspaper published in Chicago:

... After the explosion in the Warsaw citadel on October 13 the Ministry of Internal Affairs issued a tele-

graphic order to all subordinate authorities in the provinces to arrest all persons suspected of communism or of sympathies with the ideals of communism. As a result wholesale searchings and arrests were made throughout the territory of the state.

In Warsaw 350 persons were arrested. Almost all had to be set free after a day or two, and only ten were turned over to the investigating authorities. Among those arrested were all prominent labor-union officials suspected of communistic convictions. Many labor-union offices were closed down, and most of them, such as the unions of the metal workers, textile workers, clerks, wood workers, tobacco workers, unskilled laborers, and the Jewish labor unions of the metal workers, wood workers, and bakers have not been opened since.

In Lodz 100 persons were arrested. Among these were all labor leaders known to the police, mostly candidates to the Diet and to the city council, and union officials. ... To Lodz were also brought the workers arrested in the nearby towns of Tomaszow, Zdunska Wola, Zgierz, Pabianice, etc., and some even from such distant parts as Radomsk and Kielce. Most of those arrested were eventually set free. Fifteen persons were detained.

In the Dombrowo Basin (Zaglembie) 189 were arrested, among them a number of members of the managing boards of the trade unions, members of the mine committees and cooperatives. These prisoners were taken to distant parts of Poland.

In Upper Silesia 120 were arrested, among them a number of members of the legally existing Communist Party, and many union workers and members of the mine committees. ... Most of those arrested are still in prison.

In Cracow 23 persons were arrested. After a few days most of them were set free; 4 were detained. On October 14 23 persons in the Dombrowo basin. 24 from Chrzanow, 9 from Biala, and 50 from Ludlin were arrested and brought to Cracow.

In Posen 12 persons were arrested. Since these persons, in spite of the existing law, were not turned over to the investigating authorities after a detention of 24 hours, they declared a hunger strike. The police authorities threatened to break the strike by force. ... However, when all attempts of the police failed, the persons arrested were turned over to the judicial investigator, who set them free. The hunger strike continued for six days. ...

In Eastern Galicia the total number arrested amounted to 300. In Lemberg 100 persons were arrested. Among them were the secretary of the Alliance of the Proletariat of City and Country, the responsible editors of the *Tribuna Robotnicza*, *Zemla i Volia*, *Nova Kultura*, *Volia Naroda*, *Zhism*, several members of the central council of the Ukrainian Social-Democratic Party, the managing board of the union of leather workers, and others.

The newspapers named above were suspended for several weeks. ...

The office of the Alliance of the Proletariat of City and Country in Lemberg was closed down, as well as the office of the Ukrainian educational labor association *Volia*, and the branches of the library in the name of Ivan Franko in Lemberg, Drohobycz, Stanislawow, Kolomea, and Tarnopol. ...

The total arrested on the territory of Poland during the days of October 13 to 15 amounted to 2,000.

A sinister feature of the ruling Polish reaction is the gross maltreatment of political prisoners. The question of the beatings inflicted on prisoners was taken up at a joint meeting of all labor organizations and parties in Lemberg

on February 26, 1924. A committee was elected to present to the government the following facts:

In October, 1922, the sub-commissary Kajdan brutally beat the student Ivan Pohuba, who brought in a complaint before the office of the state's attorney. The investigation, however, has not so far been made.

In the prison at Jachowicz Street the student Theodor Jacura was severely beaten. The case is at present before the criminal investigation office.

Last year the prisoners Peter Tymeczka and Stefan Kociuba were beaten so badly that the first became deaf.

During the current year the prisoners Brecher and Reiss have been tortured in jail.

In the prison at the Jachowicz Street the prisoner Green was tortured and beaten. They pounded his head against the wall and in this manner forced a confession out of him.

Officer Szczerkowski tortured the prisoners Apfelsuss and Karczmar in an inhuman manner.

The mysterious details accompanying the death of Olga Bessarabowa prove that the conditions prevailing in the police jails and prisons are such as to demand a searching investigation and the punishment of those guilty in applying the method of beating and torturing.

The memorandum concludes:

In the name of the whole working class of the city of Lemberg, without difference of nationality or party adherence, the Trade Council enters its most vigorous protest against the methods of beating practiced by the state police, and demands of the governor (1) to use every means to punish the functionaries guilty of beatings; (2) to come to an understanding with the minister of the interior in the matter of issuing a peremptory order to the police to observe strictly Article 98 of the constitution; (3) to prohibit the examination of prisoners at night when the orgies of beatings usually take place. . . .

Cases where prisoners have died or disappeared under unexplained circumstances have come to the public notice. But particular excitement was created by the mysterious death of the Ukrainian teacher Olga Bessarabova in a Lemberg prison.

Olga Bessarabova, widow of a soldier who fell on the Italian front during the World War, was arrested at her home by the Lemberg police on February 9, 1924. The police maintain that Olga Bessarabova was a Communist, and was suspected of having done spy service for a neighboring state. Five days later she was found hanged in her prison cell. The police said it was suicide. But it was noticeable that the name of the "suicide" was given wrongly in the newspapers (it was announced that Julia Baraska had hanged herself) and that for several days the food sent in for her by the members of her family was still taken. Obviously it was desired to prevent her relatives from getting news of her death too soon and from desiring to be present at the post-mortem examination of the body.

But at the post-mortem examination it became evident that the "suicide" had been cruelly tortured before her death. Her whole body was covered with blue-red stripes, there were also violet abscesses on it, which the professor making the examination cut from the body to show to his audience as a "rare and typical compound." Then the body was buried in an unknown spot.

The case of Bessarabova was brought before the Polish Diet by the Communist deputies Krulikovsky and Lancucki.

On February 27, 1924, an interpellation was made by the deputies Krulikovsky and Lancucki concerning the treatment of prisoners in the prison of Kattowitz. The interpellation was based on a letter sent by the political

prisoners of the Kattowitz prison. After enumerating a number of cases of maltreatment of prisoners and persecutions by the prison officials the letter concludes:

This is only an insignificant part of the terrible reality which we, as prisoners, cannot see as a whole. Prisoners who have been kept here for several years are silent in fear of torture. On December 15, 1923, a delegate of the ministry of justice visited the prison in company with the procurator. . . . When we repeated our complaints and demands the delegate laughed and explained that "a prison is not a hotel." . . . It is equally useless to complain either to the superintendent . . . or the inspector of the prison.

Conditions in the Cracow prisons are described in the Cracow *Naprzod* as follows:

In the main building of the prison 900 prisoners are cramped in 80 small cells. . . . In the main prison at Senate Street, which has space for 400, there are more than 900 prisoners interned. There are cells where thirty prisoners are placed in a space computed for five, so that at night they can sleep only in a sitting position. In cell No. 50 for minors there are more than sixty boys who literally have no place to sleep. . . . Many cells have no windows nor any ventilation. Political prisoners are put in cells together with criminals. . . .

The persecutions of the labor movement are especially manifest in annexed territories. An interpellation in the Diet brought in by Deputy Prystupa on February 18, 1924, dwells at some length upon the persecution of Ukrainian Socialists in eastern Galicia.

Wherever workers or peasants are trying to organize for their common struggle for the betterment of their hard life, immediately the police interfere and under various pretexts and in various ways disband the workers' and peasants' socialist groups, educational institutions, and trade unions.

As an instance of the attitude of the authorities, the interpellation cites a decision of the judge in Rawa Ruska, where six peasants, members of the peasant council of the Ukrainian Social-Democratic Party, were sentenced to thirty days in prison for the alleged participation of women in a meeting of the group. The interpellation continues:

The Ukrainian Social-Democratic Party is thirty years old, but neither under the Austrian authorities nor during the rule of the Czar's army has it been more viciously persecuted than at the present time.

A lengthy report from Warsaw, dated February, 1924, gives the following account of conditions in the eastern territories of Poland:

The White Russian and Ukrainian peasant is literally deprived of every right. He is deprived not only of his right of free speech, assemblage, etc., but he has not the least guaranty of the inviolability of his person. . . . Constant searchings, arrests, beatings are the daily bread of the non-Polish population in the eastern provinces.

It is not infrequent for the White Russian and Ukrainian village to be visited by punitive expeditions. . . .

The schools and the press in the eastern provinces are rigorously persecuted. The White Russian newspapers in Vilna were all suspended. Editors were thrown in jail under ridiculous pretexts. Thus the editor of *Ukrainian Life*, Mikita Matienko, has been sentenced to seven months' imprisonment for possessing a few copies of the *Proletarskaya Pravda*. . . .

Ukrainian and White Russian schools are under constant oppression. Recently, before New Year's the school authorities of the Lemberg district closed down fourteen

Ukrainian schools in eastern Galicia maintained by the private funds of the Ukrainian public. . . .

The Ukrainian and White Russian population is compelled, under threat, to send its children to Polish schools. . . .

The position of the radical press is no better. Confiscations of papers are almost a daily occurrence. Practically each issue of the following papers is subjected to confiscation: *Trybuna Robotnicza*, organ of the Alliance of the Proletariat of City and Country (appears three times a week in Lemberg); *Plug*, a weekly appearing in Cracow and devoted to the interests of the peasant population; a number of "one-day" papers appearing in Warsaw every week under different names; the daily *Vpered* and the weekly *Zemlia in Volia*, organs of the Ukrainian Social-Democratic Party in Lemberg, are either confiscated or appear disfigured by the censor. Also the Ukrainian monthly *New Culture* is frequently confiscated. The organ of the Polish Socialist Party, *Dziennik Ludowy* in Lemberg, was confiscated twenty-two times during the latter part of 1923, the Cracow *Naprzod* nine times. The *Gazeta Robotnicza* in Kattowitz was confiscated three times. Other papers which have been confiscated or mutilated by the censor are: *Ognisko*, organ of the typographical union in Lemberg; *Robotnik*, organ of the Polish Socialist Party; *Yugendweker*, organ of the Jewish socialist youth, and a number of the "one-day" papers and labor posters and announcements. Even two bourgeois papers, the *Express Poranny* and the *Kuryer*, were confiscated for printing the information that the authorities are trying "to quell the investigation in the case of the . . . Fascist organization known as the Vigilance of Polish Patriots."

On January 10, 1924, the editor of the *Kultura Robotnicza*, Jan Hempel, in Warsaw, was sentenced to two years' imprisonment in a fortress for printing an article on May Day with quotations from the Communist Manifesto by Marx and Engels. In Grodno the editor of a workers' periodical, *Kozelnik*, was sentenced to three years' imprisonment, not counting the thirteen months spent in prison prior to the trial, for publishing the platform of the Alliance of the Proletariat of City and Country. The editor of the radical peasant weekly *Plug* in Cracow, Szeronkiewicz, was sentenced to ten years' hard labor, and the members of his staff to from two to four years each. These facts do not include the many petty persecutions and handicaps which are put in the way of the radical and labor press in their daily struggle for existence.

Credit Where Credit Is Due

Credit for the vivid articles on Gandhi and the Akalis, by C. F. Andrews, reprinted from the *Manchester Guardian* in the International Relations Section for April 23, 1924, should have been given to the *New York World*. The *World* holds the American rights to the *Guardian* News Service, but generously grants to *The Nation* permission to republish.

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